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THE

NORTH AMERICAN

REVIEW.

VOL. XX.

New Series.

VOL. XI.

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NORTH AMERICAN REVIEW.

No. XLVI.

NEW SERIES, NO. XXI.

JANUARY, 1825.

ART. I.—*Lord Byron's Poems.* 3 vols. New York. 1815.

THE death of Lord Byron, without depressing the price of stocks or affecting the election of President, has produced a deep and general feeling of regret throughout the country. The loss of a truly great poet is in fact an event that affects immediately, in their occupations and their pleasures, a much larger number of persons, than that of a distinguished statesman or of a military conqueror. Politicians and warriors move the mighty springs, that regulate the destinies of nations, and determine the happiness or misery of the individuals that compose them, but their personal influence upon these individuals is extremely limited. Few see or converse with them. Still fewer enjoy their intimacy. Their reputation with the multitude is matter of history while they live, and when they die it is still the same. The public know as much or more of them than they did before. But the powerful writer, and especially the gifted poet, addresses himself directly to the heart, and makes a warm, personal friend of every man of education and feeling within the circle of his readers. While the others produce their effects upon the condition of individuals, by acting directly upon large masses, he brings out his general effects by operating immediately upon the minds of individuals. He enters in person the sanctuary of every private bosom, and establishes himself as

a dear and familiar guest in the minds of men, that never saw his face or heard the sound of his voice. In fact, we often really know more of his character and sentiments, than we do of those of our most intimate associates. Montaigne affects to smile at his own simplicity in revealing more of his secret history to the public, than he did to his nearest connexions; but this is the natural and necessary result of all good writing. No man can write with effect and eloquence in prose, and still less in poetry, unless he instinctively, and as it were involuntarily, makes his works a picture of his own intellectual and moral constitution; and hence, when we meet with good writing, we possess of course the means of forming a sort of indirect personal acquaintance with the author. Every one of his successive publications is felt as a visit from a valued friend. Our occupations and our pleasures become in some degree identified with his existence; and when he dies, one of our principal sources of happiness is dried up forever.

These, we think, are the true reasons why we feel so sensibly the death of a great poet; why that of Lord Byron in particular has been lamented as a public calamity, by a hundred nations in Europe and America, nay, in Asia, Africa, Australasia and Polynesia. We have no doubt that tears were shed at the first news of this sad event at Calcutta, at Botany Bay, and at the Sandwich Islands, as well as at Berlin, Paris, Rome, Philadelphia, and London. Sir Walter Scott has degraded his subject, though in very pretty verses, when he tells us in the introduction to the fifth canto of the Lay of the Last Minstrel, that it is mute nature which mourns the death of the poet, and celebrates his obsequies; and also, when in the next stanza he corrects himself by adding, that in reality it is not mute nature, but the spirits of departed knights and maidens, who perform this funeral ceremony by moaning through the woods, and swelling the rivers with tears of regret for the loss of the reputation, which they expected to receive from the labors of the poet. Nor does Sir Walter much mend the matter when he tells us in still better verse, in his *Dying Bard's Lament*, that the death of the poet should be regretted, because it disenchants the face of nature of half its beauty, and robs the fair and young of their best chance for glory.

'In spring and in autumn thy glories of shade
Unhonor'd shall flourish, unhonor'd shall fade,
For soon shall be lifeless the eye and the tongue
With rapture that viewed them—with rapture that sung.

Thy sons, Dinas Emlyn, may march in their pride,
And chase the proud Saxon from Prestatyn's side,
But where is the harp shall give life to their name?
And where is the bard shall give heroes their fame?

And oh, Dinas Emlyn! thy daughters so fair,
That heave the white bosom and wave the dark hair,—
What tuneful enthusiast shall worship their eye
When half of their charms with Cadwallon shall die?'

Most of this, with submission to Sir Walter, is merely fanciful. That neither mute nature, nor the ghosts of departed knights and maidens, have much to do with the lamentations that follow the decease of a poet is a matter of course; and we apprehend that it is not from a selfish calculation of what they shall lose in renown and glory, that at such times the brightest eyes are suffused with tears, and the noblest hearts swelled with sorrow. The fair daughters of Dinas Emlyn had no reason to fear, that they should ever be in want of an enthusiast to worship their eyes, while their bosoms were as white, and while their dark hair waved as profusely as before, whatever might become of the Dying Bard; nor would the young men of this village, when called on to perform their military duty in repelling the Saxons, have inquired very anxiously beforehand, whether their future exploits were likely to be as well described as their former ones. All this, we repeat, is in a great measure fanciful, and the real state of the case is much more honorable to human nature, than the one here supposed. As far as there is anything selfish in our feelings of regret at the death of a great poet, it is not the loss of reputation, that we are troubled about, but the loss of the pleasure we derive from reading good verses. But selfishness is not the sole, nor yet the chief cause of our sorrow. We grieve because the principle of sympathy, with which we are all endowed, naturally comes into action when the fine chords that connect our souls with the souls of those we love are violently rent asunder by the hand of death; and we know and love our favorite authors, as was just observed, often much better than we do our nearest friends. We also grieve

because *a great man has fallen in Israel.* We mourn at once for an object of private regard, and for a public benefactor. The sympathy of others gives a new intensity to all individual emotions; and we are doubtless struck with double sorrow for the death of Lord Byron, when we recollect that half the civilised world is bearing us company.

The interest we all felt in this extraordinary being was increased by the singular circumstances, that attended his progress through the world. He not only wrote poetry but acted it. His short life was a strange fantastic drama, as wild as the Midsummer Night's Dream. He exhibited himself by turns as a man and a poet, and in either character he was always assuming some eccentric shape; disappointing expectation, defying calculation, spurning at all laws critical, moral, and political,—but still redeeming his follies and vices by continual displays of good feeling, and uninterrupted flashes of the true fire of poetry. We saw him in the first instance wooing the Muses with the awkward and unsuccessful airs of a stripling; but even then there was some promise of the better things, that were to follow. There are those among us, who read with pleasure the high souled ballad of *Lachin y Gair*, although the minstrel's harp was then far from being fitly tuned to the lofty pitch of his sentiments. We next saw him dragged before a critical tribunal, accused of writing indifferent poetry while he was at school, and of being a Lord; and for these high crimes and misdemeanors condemned to be pilloried in the Edinburgh, and pelted with the keenest and coarsest jokes, which the Reviewers could muster. Lord Byron was probably regarded by these ingenious gentlemen, as some dainty sprig of nobility, that was giving itself the airs of a poet; a fashionable butterfly, whom it was a sort of condescension to break upon the critical wheel, but with whom they could do their worst without the fear of resistance. They soon found, however, that they had caught a Tartar; and at his Lordship's next public appearance, we saw him carrying the war into the camp of these borderers with a furious resolution, and a manly vigor, that brought them directly to a sense of their error. They shrunk at once from the conflict, did not venture to notice the English Bards and Scotch Reviewers, although it was one of the best poems that had appeared since the time of Cowper; and

soon after sunk into the tone of fond and almost indiscriminate adulation, with which they have generally received his Lordship's subsequent productions.

In the interval between these two appearances the noble bard had made, or rather attempted, another so completely unsuccessful, that it has perhaps been hardly heard of in this country. Before the publication of the *English Bards* he had printed, in partnership with Mr Hobhouse, a collection of poems, which cannot be said to have been published, because it remained upon the bookseller's hands, and was, after a while, converted into waste paper. A few of the pieces are, we believe, incorporated in some of the late collections. Let this fact console the young claimants for poetical distinction, whose first productions have been treated in a similar way. In this world of intrigue and management, a writer, or a man, who chooses to depend for success upon his own deserts, must wait a little while for it ; but then, when it comes it is worth having. What satisfaction is there in wearing a laurel wreath, if a man is to go into the woods and cut it down with his own penknife ? And again, the greatest genius does not arrive at the maturity of his power, till after frequent efforts and repeated failures. The reception given to these poems by the public was probably as good as they deserved.

Such were the first events of Lord Byron's literary life. At this time the scene changes. His restless and soaring spirit began to feel itself uneasy in the prison house of the British isles, and solitary in the crowded walks of Bond-street and Piccadilly. The greater part of Europe was closed against him by the continental system ; but a breach had just been made by Lord Wellington in the long line of batteries erected to support it ; and Spain and Portugal were now open. Lord Byron made a rapid tour through these countries, and through some of the most interesting parts of Greece. The view of these ancient seats of civilisation, and the influence of the high recollections connected with them, seem to have given fresh force and brilliancy to his Lordship's poetical talent ; and the two first cantos of Childe Harold, the greater part of which, as he tells us, was written at intervals of leisure, while he was upon his travels, exhibit the highest point of excellence to which he ever at-

tained. None of his subsequent writings evince greater power either of thought, imagination, or style. Some are of equal merit in all these respects ; but in no other work has he sustained himself for an equal length of time, at the greatest elevation to which his genius was capable of raising him. His *English Bards* had already attracted the public attention, and prepared the readers of poetry to look for something as good or better from the same quarter ; but they had not anticipated anything like this grand and beautiful display. This time there was no difference of opinion or feeling. It was one general burst of delight and admiration from all classes of readers. Lord Byron's literary friends, whom he consulted about the expediency of publishing the work, had told him that it had merit, but that it would not be relished by the mass ; and had advised him not to print. A similar judgment was passed, under the same circumstances, upon *Paul and Virginia*, the most popular book that ever was written. Such is the value of closet criticism, compared with that which is enlightened, directed, and controlled by public opinion ; and such, we may add, are the partial judgments of literary friends. But these lukewarm advisers, when they saw the success of the work, screwed up their taste in a moment to the sticking place of the general admiration ; the author's enemies, the reviewers, were upon their knees ; and Lord Byron, from being a discontented misanthrope, the butt of critics and the scorn of booksellers, became the idol of his nation ; from an associate, as the story ran, of wolves and bears, he started into view as the reigning lion of the day. In his former publication he had treated with culpable levity some of his nearest connexions, and especially his guardian the Earl of Carlisle, well known in this country as one of the members of a commission sent out to treat with Congress during the revolutionary war,—of which Lord Howe was the head, and the celebrated Ferguson, secretary,—a nobleman of the highest character, and whose only fault was, that he had written some indifferent tragedies. This levity, and other indiscretions of a similar kind, had produced a coldness towards him on the part of his family. All was now forgotten. Without being very attractive or agreeable in his social habits, he became, in consequence of his high poetical reputation, graced and

set off by his noble birth and splendid fortune, an object of universal interest and curiosity. Nothing seemed to be wanting to complete his happiness but a good wife; and as the ladies were all in love with him, it was not difficult to supply this deficiency. He soon married an accomplished and beautiful woman, established himself in a splendid mansion on Piccadilly Terrace, and began to write more poetry. Sir Walter Scott had brought into vogue by his Lay of the Last Minstrel, and his Marmion, the fashion of long ballads in six cantos, written in a short octosyllabic measure; and Lord Byron, with a view probably of surpassing this great and only competitor upon his own ground, produced in rapid succession the Giaour and the Bride of Abydos; and afterwards, to prove the facility with which he could manage all measures, the Corsair and Lara in the common heroic couplet. None of these poems were to be compared with Childe Harold; nor would they perhaps of themselves have given a sudden reputation to a new pretender; but under favor of the vogue that had now attached itself to the author's name, they all passed for prodigies. Besides these greater pieces, he threw off with careless prodigality, on every occasion that presented itself, a variety of shorter ones mostly of the lyric class, some of which, and more especially the best of the Hebrew Melodies, are among the sweetest and sublimest strains to be found in the English, or any other language, and are far superior to the longer works of the same period.

Such was the position of Lord Byron at this second period of his life. He certainly appeared to the world, as one of the most favored and enviable beings in creation. Placed at the summit of fame and fortune, in the pride of health, and with the consciousness of genius, he had seemingly nothing to do but to go on triumphantly through life, conquering and to conquer, revising his old poems and writing new ones. A few months elapsed, and we saw him breaking away suddenly in disgust from his wife and child, his family, his friends, and his country, and wandering about the world, a wretched and solitary outcast; detesting the very name of an Englishman, and regarded in turn by all that bore it with a feeling of aversion, which could hardly be repressed by a just admiration of his genius. After wasting his best years in this intolerable exile, we have seen him finally dying of fatigue and fever in the marshes of Missolonghi.

It does not suit our present purpose to examine in detail the circumstances, that led to this strange reverse of fortune. Some of them were of a delicate nature, and but ill adapted to sustain a public scrutiny. We may remark, however, in general, that the origin of his errors, and of the misery which they brought upon him, seems to have been a sort of intellectual intoxication, produced by his extraordinary success, operating upon a naturally eccentric and extravagant disposition. While he resided on the continent he was probably very unhappy. He led a lonely and isolated life. The few persons, with whom he was known to associate, were such as he could not possibly either respect or love; and he can only have admitted them into his society for the purpose of escaping from total solitude. He was always burning with a feverish thirst for applause and flattery; and he felt that he was now the scorn and pity, though still the admiration of the wise and good. It is easy to discover through the mask of affected contempt for public opinion, which he often puts on in his later writings, the real agony of disappointed ambition. He was seen at this period of his life to roam about from place to place, like a perturbed spirit; he was now near Genoa living alone in the country with Leigh Hunt the Cockney, and then again at Venice, tempting the ocean with Shelley the atheist. What companions, occupations, and amusements for a man that might have been leading the march of mind upon any of its proudest fields, that might have been reigning in the literary circles of London or Paris! No doubt the persevering industry, with which he pursued his poetical labors, relieved in some degree the tedium of this wretched existence. But even this resource must have been productive of some bitter feelings. When he found that his writings no longer satisfied the public, he could not of course be so well satisfied with them himself, as he formerly was. To write immorally and negligently, for the purpose of expressing contempt and defiance of the world, is not quite so pleasing as to write well and be praised for it. Such a life might be endured for a time, but not forever. After a few years it probably became intolerable to Lord Byron; but he seems, from what we heard of him in various ways, to have been a little doubtful what course he should take. Sometimes he talked of coming to the United States, and regularly stated to the Ameri-

cans who visited him that such was his intention. At other times he appears to have meditated a return to England. But the progress of the Greek Revolution finally gave a different direction to his projects.

To engage personally in this struggle between two semi-barbarous nations, was a piece of reckless extravagance, entirely consistent with Lord Byron's character. The recollection of what the Greeks were formerly, and the anticipation of what they probably would be again under favorable circumstances, must induce every generous mind to wish them success. In their present state, they are what two thousand years of oppression have made them; and their own poet tells us, that a day of slavery—δουλιον ημας—robs a man of half his virtue. They are now no fit comrades for the disciplined and humane European officer, still less for the super-sensitive, poetical enthusiast. The highly cultivated mind shrinks intuitively from a contact with the coarser spirits that crowd the walks of busy life, retreats from the exchange, turns with disgust from the strife of contending factions, and retires within itself for happiness and peace. What then could such a man as Lord Byron do at the head of a regiment of Suliotes, leading on the tumultuous array of an oriental army? Any captain of banditti from the Italian mountains would have served the cause much better. This was truly a case when we might have borrowed the plaintive language of the sweet poet of Mantua, and have cursed the frantic love of war, that had hurried away the finest genius of the age from his favorite studies; when we might have prayed that the plague and the fever would be kind to him; that the Turkish scymitars, which he had celebrated so often, would shew their gratitude by sparing so precious a life; that his quality of poet might protect him from the rage of the savages into whose quarrel he was plunging, as Horace pretends that his put to flight an enormous wolf in the Sabine wood. But it was not so much the mere love of war, that carried him away, as the tedium of his previous existence, and the glorious visionary shapes in which his fancy had probably clothed the persons and things with which he was about to connect himself. It is said that he ordered just before his departure from Italy, and took with him to Greece, three large

helmets upon which his family arms were gorgeously emblazoned. He thought, perhaps, that he was to make one in a new brotherhood of chivalry, to be the Achilles of a second Iliad, or the Arthur of another Round Table; that he should turn the tide of battle by the mere exhibition of his person, wherever he made his appearance; sweep away with the breath of his nostrils the miscreant enemy, Turks, Albanians, Tartars, Pachas, and all; rush on with a few faithful followers to Constantinople, and plant the standard of the cross upon the dome of St Sophia at the close of the first campaign. If his good genius, or rather if the sober divinity of plain common sense, could have gained possession for a day or two, nay for a few hours only, of this grand and generous but bewildered intellect,—could have pointed out the vanity of all these idle fancies, and shewn the bard how utterly unfit he was to engage in this wild and savage warfare,—he might at this moment have been writing more poetry at Pisa, or wherever else he was last residing. And oh! if the same power could have freed his noble heart for a moment from the gross enchantments of low sensual pleasure, that had got possession of it; could have conquered the stern spirit of ferocious pride, that ruled within him, and infused into his angry bosom the sweet balm of benevolence and charity; could have cleared his intellectual eye from the clouds that covered it, and raised up before him the charming forms of truth, and virtue, and religion, in all their celestial purity and beauty;—how quickly he would have quitted the fatal cause in which he had engaged himself; with what disgust he would have turned from his vicious associates, and his corrupt Italian haunts, and have hurried back to his natural friends, and his own happy country; with what new ardor and patience he would have devoted himself to his favorite art; and with how much better taste, and doubtless higher and more brilliant success, he would have labored in it, when like Hercules of old he had given to virtue all his mighty mind. But no, he must go to Greece; and to die as he did, when he got there, was almost the necessary consequence of going. What could his ethereal spirit, nursed in the lap of luxury, and fed forever on the luscious diet of poetry and romance, find to do in the fens and forests of Etolia? It was natural, it was

unavoidable, that the ceaseless excitement, the endless toil and trouble of his thoughts, should wear out his body and give him up an easy prey to the first untoward accident. And so it fell out. His favorite attendant was shot by a Suliote, who probably thought no more of it, than a British peer would do of bringing down a woodcock; but the same ball killed Lord Byron. The rage and horror which he felt at this piece of wanton barbarity threw him into epileptic fits, from the consequences of which he never wholly recovered. Then came the fatigue and exposure, incident to the sort of business in which he was engaged. These brought on a fever; and with his highly irritable frame, without any proper nursing or medical attendance, a fever could not well turn out otherwise than fatally. Thus perished in the vigor of life and the fulness of his powers, the greatest poet of the age. The Greeks went into mourning for him, and the news of his death has struck the civilised world with a deep sentiment of sorrow; but no tears or lamentations will bring us back the spirit, that has gone to seek some other dwelling. No living hand can venture to break the silence of the lyre, that he was wont to touch.

> The harp the Monarch Minstrel swept,
> The King of Men—the loved of Heaven—
> Which Music hallowed, while she wept
> O'er tones her heart of hearts had given,
> Redoubled be her tears—its chords are riven.

We have thus taken, at somewhat greater length than we at first intended, a rapid review of the history of Lord Byron's life, and shall next proceed to a few remarks upon the character and value of his writings. In what we have already said, we have had occasion to anticipate, in its general features, the judgment which we purpose to deliver; but we shall now enter more directly upon the subject, and treat it according to the two divisions into which it naturally falls, to wit, the literary and the moral value of the works in question. The reader will easily conjecture, that we shall not attempt to exhaust so extensive an argument. We can only hint at some of the more obvious points, and endeavour to illustrate our views of them, as we go along, by occasional extracts.

1. From what has been observed above, it will readily be collected, that we consider the genius of Lord Byron as having been originally of the first order. In depth of thought, in power, brilliancy, and felicity of style, in his almost miraculous facility of production, he stood without a rival in our own day, although there are among our contemporaries some, whom it might have been thought no mean achievement to equal. Indeed he rose far above any English poet, who has lived since the time of Pope; and if he yields to Pope in perfection of style, he excels him on the other hand by succeeding in a greater number of distinct departments of the art. In satire and in lyric poetry, both sublime and pathetic, he reached the highest degree of excellence. Childe Harold and Don Juan, to whatever technical class we may assign them, are masterpieces respectively in the serious and comic order. They rank in our opinion with the great epics of ancient and modern times. His smaller narrative poems are eminently spirited and happy. His elegies breathe the very soul of tenderness, regret, and pleasing melancholy. The most trifling thing that fell from his pen had a high value. In what a charming little lachrymatory he preserved the tears of the Princess Charlotte! He wrote an enigma on the letter H, which is itself a beautiful poem. The drama was the only department in which he failed; and even his dramatic poems, though failures as such, are in many respects works of the highest merit, especially Manfred, which would make the reputation of any writer. The least remarkable of them contain many brilliant and happy passages. Of all the poets of whom we have any account, Voltaire alone makes pretensions to an equal versatility of talent. We may also add, that Lord Byron wrote in prose with the same facility, power, and grace as in verse. His letters on the theory of his favorite art, in answer to the notions of Bowles, the only prose pieces, we believe, of any length, which he published, are among the best specimens that can be produced of a pure, easy, sprightly, correct, and classical English style. Such and so various were the gifts of this extraordinary man.

To counterbalance all these merits, there are two considerable defects of a literary kind to be remarked in his writings; an occasional extravagance of thought and language, as respects the substance, and a want of care and finish in the ver-

sification. Both these faults are observable in greater or less degrees in almost all his poems of any length; although some of the shorter ones are wholly free from them, and may be looked upon as complete models in their way. They grew upon him very much as he advanced in life, in consequence partly of the intellectual intoxication produced by his first rapid and brilliant successes. As far as they prevail in his earlier and better productions, they must be regarded as results of the combined influence of his personal situation and temperament, and of the state of the public taste in regard to poetry at the time when he wrote.

Poetry, like all the other arts, and like everything progressive and mutable, passes through the successive periods of advancement, maturity, and decline or corruption. While it is still in a rude state the natural effort of superior genius is to improve it. In this way it arrives at its perfection, which consists in the expression of true and natural thoughts, (of a poetical order,) in natural language. When this point has been attained, it is more doubtful what direction will be taken by a writer of great powers. In aiming at excellence he must either attempt to surpass those, who have gone before him, in their own way, or to strike out a new one of his own; and each of these courses is embarrassed with its peculiar difficulties. If he adopt the former plan, he becomes an imitator; and what was beauty in the model, is very apt to look like affectation in the copy. If, in order to escape from tameness and affectation, he aims directly at originality, and departs from all the existing models, he will be very likely to depart at the same time from the standard of good taste, which they have erected, and in his efforts after novelty to run into extravagance. Accordingly, there are very few writers, who have flourished after the arrival of an age of good taste, and who are not tainted more or less with one or the other of these failings. To speak only of those of England and of the poets—if we fix the point of perfection at Pope,—and Pope himself in refining upon Dryden, has gone perhaps a little beyond the mark,—we shall find those who follow for the most part either tame or extravagant in thought, and in point of style either negligent or affected. Hardly one can be named, who has hit the narrow line between these opposite classes of errors; and who adheres, in substance and in manner, to the

plain and simple beauty of nature. Thus Darwin is grossly and often laughably affected in his style, and his thoughts are forced and fantastic. Cowper aims at simplicity and truth; but is frequently careless and harsh, especially in rhyme. Those who possess the purest taste appear to be timid, and write but little. They hardly venture to trust themselves in attempts, where failure is so fatal and success so difficult. If they acquire a high reputation pretty early in life, they are apt to be contented with it, and to repose inactively for the rest of their days under the shade of their youthful laurels. Such seems to have been the case with Goldsmith and Gray, and in our own times with Campbell and Rogers; nor have the two latter risen much in public estimation by attempting, at too late a period, to rouse themselves from this premature lethargy. The bolder sort, who go forth in search of unexplored regions, return like adventurous discoverers with freights, that are often rather curious than valuable or beautiful. Mr Scott, instead of a picture of nature, presents us too frequently with a picture of the age of chivalry. Mr Southey introduces to us all the monsters of the Hindoo mythology, and makes Kehama ride into hell over nine different bridges at the same time. Wordsworth and his school, in avoiding these faults, plunge headlong into others of an opposite character. They convert pedlars and idiots into sages, and talk like babies themselves. We mean not of course to be understood, that the different writers here mentioned have no merit, but to indicate the nature of their prevailing defects. This is also the age of the sentimental novel, in which young men and maidens, who in real life commonly retire into corners to make love, occupy the foreground of the scene, and throw entirely into shade the titled and dignified uncles and aunts, with whom they are connected. The declining age of poetry, in short, is for strong minds the age of extravagant and unnatural thought, and of incorrect and negligent execution, while with feebler spirits it induces a tameness of conception and a languid insipidity of style.

The faults of Lord Byron, when he has any, must belong of course to the former class. The best of his works are almost wholly free from blemishes, and may be looked upon as nearly perfect in their way. Others, however, especially the minor narrative poems and the plays, abound with extravagant

conceptions, and are often written in a very negligent and incorrect style. But our notions, in regard to the particular characters of the several productions, will be more distinctly conveyed by taking up the most remarkable of them in order, and stating separately, in the very cursory manner, in which our limits will permit, their principal merits and defects. Passing over the *Hours of Idleness* as immature fruits, we come to the *English Bards and Scotch Reviewers*, the work which commenced the author's reputation.

We have already said that this was one of the best poems, which had appeared, at the time of its publication, since those of Cowper; and most good judges will probably concur in this opinion. It is written with uncommon vigor and spirit, and the best passages will stand a comparison with the finest pages in Pope. It wears, however, some marks of immaturity. The attempts at point are not always successful; and the judgments given of the merit of contemporary poets are often unjust, and savor strongly in many instances of mere petulance. It is amusing, when we recollect the character of some of Lord Byron's subsequent productions, to remark the tone of rigid morality, which he assumes in this work. The future author of Don Juan has no mercy for the graceful errors of Moore and Strangford.

> Who in soft guise, surrounded by a choir
> Of virgins melting, not to Vesta's fire,
> With sparkling eyes, and cheeks by passion flush'd
> Strikes his wild lyre, whilst list'ning dames are hush'd?
> 'Tis Little! young Catullus of his day,
> As sweet, but as immoral in his lay!
> Griev'd to condemn, the Muse must still be just,
> Nor spare melodious advocates of lust.
> Pure is the flame, which o'er her altar burns,
> From grosser incense with disgust she turns:
> Yet, kind to youth, this expiation o'er,
> She bids thee 'mend thy line and sin no more.'
>
> For thee, translator of the tinsel song,
> To whom such glittering ornaments belong,
> Hibernian Strangford! with thine eyes of blue,
> And boasted locks of red or auburn hue,
> Whose plaintive strain each love sick miss admires,
> And o'er harmonious fustian half expires.
> Learn, if thou can'st, to yield thine author's sense,
> Nor vend thy sonnets on a false pretence.

Think'st thou to gain thy verse a higher place
By dressing Camoens in a suit of lace ?
Mend, Strangford ! mend thy morals and thy taste ;
Be warm, but pure, be amorous, but be chaste,
Cease to deceive ; thy pilfered harp restore,
Nor teach the Lusian bard to copy Moore.

One of the happiest passages is the attack on Cottle, or more properly the Cottles, for it seems there are two.

Another Epic ! who inflicts again
More books of blank upon the sons of men ?
Bœotian Cottle, rich Bristowa's boast,
Imports old stories from the Cambrian coast,
And sends his goods to market—all alive !
Lines forty thousand ! cantos twenty five !
Fresh fish from Helicon ! who'll buy ? who'll buy ?
The precious bargain's cheap—in faith, not I.
Too much in turtle Bristol's sons delight ;
Too much o'er bowls of sack prolong the night ;
If commerce fills the purse, she clogs the brain,
And Amos Cottle strikes the lyre in vain.
In him an author's luckless lot behold !
Condemn'd to make the books which once he sold.
Oh ! Amos Cottle !—Phœbus ! what a name
To fill the speaking-trump of future fame !—
Oh ! Amos Cottle ! for a moment think
What meagre profits spring from pen and ink !
When thus devoted to poetic dreams,
Who will peruse thy prostituted reams ?
Oh ! pen perverted ! paper misapplied !
Had Cottle still adorn'd the counter's side,
Bent o'er the desk, or, born to useful toils,
Been taught to make the paper which he soils,
Plough'd, delv'd, or plied the oar with lusty limb,
He had not sung of Wales nor I of him.

Lord Byron seems to have possessed a strong talent for satire ; and if we could be sure that he would have directed it to proper objects, we should regret that he had not labored more in this department. The *Curse of Minerva*, the only other serious satire he wrote, is a very powerful poem, and contains fine passages.

Mortal, (the blue eyed maid resum'd once more,)
Bear back my mandate to thy native shore ;
Though fallen, alas ! this vengeance yet is mine
To turn my counsels far from lands like thine.

Hear, then, in silence, Pallas' stern behest,
Hear and believe, for time will tell the rest;
First on the head of him who did the deed
My curse shall light, on him and all his seed;
Without one spark of intellectual fire,
Be all his sons as senseless as their sire;
If one with wit the parent breed disgrace,
Believe him bastard of a better race;
Still with his hireling artists let him prate,
And Folly's praise repay for Wisdom's hate.
Long of their patron's *gusto* let them tell,
Whose noblest native *gusto*—is to sell;
To sell, and make (may shame record the day)
The state, receiver of his pilfer'd prey!
Meantime, the flattering, feeble dotard, West,
Europe's worst dauber, and poor Britain's best,
With palsied hand shall turn each model o'er,
And own himself an infant of fourscore.
Be all the bruisers call'd from all St Giles,
That Art and Nature may compare their styles;
While brawny brutes in stupid wonder stare
And marvel at his lordship's 'stone shop' there.
Round the throng'd gate shall sauntering coxcombs creep
To lounge and lucubrate, to prate and peep,
While many a languid maid with longing sigh,
On giant statues casts the curious eye.
And last of all, amid the gaping crew,
Some calm spectator, as he takes his view
In silent admiration, mixt with grief,
Admires the plunder, but abhors the thief.
Loathed in life, scarce pardoned in the dust
May hate pursue his sacrilegious lust;
Link'd with the fool, who fir'd the Ephesian dome,
Shall vengeance follow far beyond the tomb.
Erostratus and Elgin e'er shall shine
In many a branding page and burning line,
Alike condemn'd, for aye to stand accurs'd,
Perchance the second viler than the first;
So let him stand through ages yet unborn,
Fix'd statue on the pedestal of Scorn!

The beginning of this poem, which was afterwards employed by the author as an introduction to one of the Cantos of the Corsair, is eminently beautiful.

Slow sinks, more lovely ere his race be run,
Along Morea's hills the setting sun;
Not as in Northern climes, obscurely bright,
But one unclouded blaze of living light;
O'er the hush'd deep the yellow beam he throws,
Gilds the green wave that trembles as it glows;
On old Ægina's rock and Idra's Isle,
The God of gladness sheds his parting smile.
O'er his own regions lingering loves to shine,
Though there his altars are no more divine.
Descending fast the mountain shadows kiss
Thy glorious gulf, unconquered Salamis!
Their azure arches, through the long expanse,
More deeply purpled meet his mellowing glance,
And tenderest tints along their summits driven
Mark his gay course, and own the hues of Heaven;
Till darkly shaded from the land, and deep,
Behind his Delphian cliff he sinks to sleep.
On such an eve his palest beam he cast
When Athens! here thy wisest, look'd his last!
How watch'd thy better sons his farewell ray,
That closed their murdered sage's latest day!
Not yet—not yet—Sol pauses on the hill,
The precious hour of parting lingers still;
But sad his light to agonizing eyes,
And dark the mountain's once delightful dyes.
Gloom o'er the lovely land he seem'd to pour,
The land where Phœbus never frown'd before;
But ere he sunk beneath Cithæron's head
The cup of wo was quaff'd—the spirit fled;
The soul of him who scorn'd to fear or fly,
Who liv'd and died as none can live or die.

But lo! from high Hymettus to the plain
The queen of night asserts her silent reign;
No murky vapour, herald of the storm,
Hides her fair face, or girds her glowing form;
With cornice glimmering as the moonbeams play—
There the white column greets her grateful ray,
And bright around with quivering beams beset,
Her emblem sparkles o'er the minaret.
The groves of olive scattered dark and wide,
Where meek Cephissus pours his scanty tide,
The cypress sadd'ning by the sacred mosque,
The gleaming turret of the gay kiosk,

And sad and sombre mid the holy calm,
Near Theseus' fane, yon solitary palm;
All tinged with varied hues arrest the eye
And dull were his that pass'd them heedless by.
Again the Ægean, heard no more afar,
Lulls his chafed breast from elemental war;
Again his waves in milder tints unfold
Their long expanse of sapphire and of gold,
Mixt with the shades of many a distant isle,
That frown where gentler ocean deigns to smile.

The next in order are the *Lyric Poems*, which are among the most finished and successful of Lord Byron's works. The best of them are perfect in their way; and to criticise them would be only, as Voltaire said of commenting upon Racine, to write at the bottom of every page, *Pulchre, Bene, Optime.* The greater part of these beautiful pieces are of the pathetic order, and certainly more touching and sweeter strains were never inspired by the Muse of Elegy. What for example can be simpler in thought and expression, and at the same time more powerful and affecting, than the verses on the death of Sir Peter Parker—an officer who was killed in this country during the late war?

There is a tear for all that die,
A mourner o'er the humblest grave;
But nations swell the funeral cry,
And Triumph weeps above the brave.

For them is Sorrow's purest sigh
O'er Ocean's heaving bosom sent;
In vain their bones unburied lie,
All Earth becomes their monument!

A Tomb is their's on every page,
An Epitaph on every tongue;
The present hours, the future age,
For them bewail, to them belong.

For them the voice of festal mirth
Grows hush'd, *their name* the only sound;
While deep Remembrance pours to worth
The goblet's tributary round.

A theme to crowds that knew them not,
Lamented by admiring foes?
Who would not share their glorious lot?
Who would not die the death they chose?

And, gallant Parker! thus enshrin'd
Thy life, thy fall, thy fame shall be;
And early valor glowing find
A model in thy memory.

But there are breasts that bleed with thee
In wo, that glory cannot quell;
And shuddering hear of victory,
Where one so dear, so dauntless fell.

Where shall they turn to mourn thee less?
When cease to hear thy cherish'd name?
Time cannot teach forgetfulness,
While Grief's full heart is fed by Fame.

Alas! for them, though not for thee,
They cannot choose but weep the more;
Deep for the dead the grief must be,
Who ne'er gave cause to mourn before.

The stanzas which appear to have been written as an amplification of Shenstone's elegant Latin inscription—*Heu! quanto minus est cum reliquis versari quam tui meminisse*—are among the most successful of the lyric poems.

And art thou dead, as young and fair,
As aught of mortal birth;
And form so soft and charms so rare,
Too soon return'd to earth!
Though earth receiv'd them in her bed,
And o'er the spot the crowd may tread
In carelessness or mirth,
There is an eye that could not brook
A moment on that grave to look.

I will not ask where thou liest low,
Nor gaze upon the spot;
There flowers or weeds at will may grow
So I behold them not;
It is enough for me to prove
That what I loved and long must love
Like common earth can rot;
To me there needs no stone to tell
'Tis Nothing that I loved so well.

Yet I did love thee to the last,
As fervently as thou,
Who did'st not change through all the past,
And can'st not alter now.

The love where death has set his seal,
Nor age can chill, nor rival steal,
  Nor falsehood disavow;
And, what were worse, thou can'st not see
Or wrong, or change, or fault in me.

The better days of life were ours;
  The worst can be but mine;
The sun that cheers, the storm that lowers
  Shall never more be thine.
The silence of that dreamless sleep
I envy now too much to weep;
  Nor need I to repine
That all those charms have pass'd away,—
I might have watch'd through long decay.

The flower in ripen'd bloom unmatch'd
  Must fall the earliest prey,
Though by no hand untimely snatch'd,
  The leaves must drop away;
And yet it were a greater grief
To watch it withering, leaf by leaf,
  Than see it pluck'd to day;
Since earthly eye but ill can bear
To trace the change from foul to fair.

I know not if I could have borne
  To see thy beauties fade;
The night that followed such a morn
  Had worn a deeper shade;
Thy day without a cloud hath past,
And thou wert lovely to the last;
  Extinguish'd, not decay'd,
As stars that shoot along the sky
Shine brightest ere they fall from high.

As once I wept, if I could weep,
  My tears might well be shed,
To think I was not near to keep
  One vigil o'er thy bed.
To gaze—how fondly! on thy face,
To fold thee in a faint embrace,
  Uphold thy drooping head;
And show that love, however vain,
Nor thou, nor I can feel again.

Yet how much less it were to gain,
Though thou hast left me free,
The loveliest things that still remain,
Than thus remember thee!
The all of thine that cannot die
Through dark and dread eternity
Returns again to me;
And more thy buried love endears
Than aught, except its living years.

The same inscription has furnished Moore with the basis of one of his prettiest songs. It is short, and we cannot refuse ourselves the pleasure of copying it. We doubt whether the English language contains anything more delicate in the way of poetical imagery, than the second of the following stanzas.

I saw thy form in youthful prime,
Nor dream'd that pale decay
Would steal before the march of time
And waste its bloom away.
But still thy features wore that light
That fades not with the breath;
And life ne'er look'd more purely bright
Than in thy smile of death.

As streams that run o'er golden mines
With modest murmur glide,
Nor seem to know the wealth that shines
Beneath their crystal tide;
So veiled within a simple guise,
Thy radiant genius shone,
And that which charm'd all other eyes,
Seem'd worthless in thine own.

If souls could always dwell above,
Thou ne'er hadst left thy sphere,
Or could we keep the souls we love
We had not lost thee here;
Though many a gifted mind we meet,
Though fairest forms we see,
To live with them is far less sweet
Than to remember thee.

The best of the Hebrew melodies are truly charming,—for example the two following.

Oh! snatch'd away in beauty's bloom,
On thee shall press no ponderous tomb;
But on thy turf shall roses rear
Their leaves, the earliest of the year;
And the wild cypress wave in tender gloom.

And oft by yon blue gushing stream
Shall sorrow lean her drooping head,
And feed deep thought with many a dream,
And ling'ring pause, and lightly tread;
Fond wretch! as if her step disturb'd the dead.

Away; we know that tears are vain,
That death nor heeds nor hears distress;
Will this unteach us to complain?
Or make one mourner weep the less?
And thou—who bid'st me to forget,
Thy looks are wan, thine eyes are wet.

I saw thee weep—the big bright tear
Came o'er that eye of blue;
And then methought it did appear
A violet dropping dew;
I saw thee smile—the sapphire's blaze
Beside thee ceased to shine;
It could not match the living rays,
That fill'd that glance of thine.

As clouds from yonder sun receive
A deep and mellow dye,
Which scarce the shade of coming eve
Can banish from the sky,
Those smiles unto the moodiest mind
Their own pure joy impart;
Their sunshine leaves a glow behind
That lightens o'er the heart.

We are not quite so sure about the *Ode to the Star of the Legion of Honor*, which purports to be a translation from the French, but of which, by the bye, we never met with the original. We have some doubts whether it exists in any other language than the English. The bard sets off in a most brilliant bravura style; and when he comes to the tricolored flag (a weak point with him) sinks into a charming minor key of pathos and sentiment. We repeat that we are not quite sure

there is not some tinsel about it; but our readers shall judge for themselves.

Star of the brave! whose beams have shed
Such lustre o'er the quick and dead!
Thou radiant and adored deceit,
Which thousands rush'd in arms to greet!
Wild meteor of immortal birth!
Why rise in heaven to set on earth?

Souls of slain heroes form'd thy rays;
Eternity flash'd through thy blaze;
The music of thy martial sphere
Was fame on high and honor here;
And thy light burst on mortal eyes
Like a volcano from the skies.

Like lava roll'd thy stream of blood,
And swept down empires in its flood;
Earth rock'd beneath thee to its base,
As thou did'st lighten through all space;
And the shorn sun grew dim in air,
And set as thou wert shining there.

Beside thee rose, and with thee grew,
A rainbow of the loveliest hue,
Of three bright colours, each divine,
And fit for that celestial sign,
For Freedom's hand had blended them
Like tints in an immortal gem.

One tint was of the sunbeam's dyes;
One the blue depth of seraph's eyes;
One the pure spirit's veil of white
Had robed in that celestial light;
The three so mingled did beseem
The texture of a heavenly dream.

Star of the brave! thy beams are pale,
And darkness must again prevail;
But oh! thou rainbow of the free!
Our tears and blood must flow for thee.
When thy bright promise fades away,
Our life is but a load of clay.

And Freedom hallows with her tread
The silent cities of the dead;

For beautiful in death are they,
Who proudly fall in thy array;
And soon, oh Goddess! may we be
Forevermore with them or thee.

We come now to the *serious narrative poems*, at the head of which stands *Childe Harold's Pilgrimage*, the work which first established the author's reputation, and upon which, more than any other single one, it will ultimately rest. This poem, although narrative in form, belongs in reality to the moral and descriptive class. It professes to relate the adventures of an imaginary hero; but consists, in fact, of a series of reflections and observations made by the writer himself in the course of his own travels, and delivered a great part of the time in his own person. As a narrative poem, therefore, it has no merit, and hardly pretends to any. The character of the Childe is drawn with force and truth; but he seems to be a useless excrescence in the work that bears his name. The author probably supposed, in the first instance, that it would be more poetical and graceful to give an account of his travels under the guise of a fictitious personage, than to appear by name himself, as the hero of his work. It may be doubted, however, whether by closely adhering to this plan, he would not have lost in vivacity and spirit, more than he would have gained in any other quality. Be that as it may, he soon grows impatient of the disguise, shakes off the Childe, and exhibits himself in his own dress. After this poor Harold becomes gradually more and more insignificant; and in the two last cantos we lose sight of him almost entirely.

The merit of the poem lies, therefore, wholly in the substance and not in the form. Considered as a series of descriptions and of moral and philosophical reflections, it deserves all the praise that has been bestowed upon it; and to pretend to criticise it in detail would only bring us back again to the *pulchre*, *bene*, *optime*. There is a power and freshness in the thoughts, and a vigor and elegance in the style, that belong only to first rate poetry. We mean not to intimate that the thoughts are always just. On the contrary they are often incorrect, and sometimes wholly false. Indeed the tendency of the whole work philosophically viewed, is far from being of a favorable kind, as we shall have oc-

casion to state in touching on the moral value of Lord Byron's productions. We now refer merely to its literary qualities ; and these are in every respect of the highest order. The two first and the two last cantos differ a little in their character, a considerable interval of time having elapsed between the publication of them, during which the author's taste and habits of thought had undergone some change. The two first are perhaps rather more spirited and vigorous, the two last more elaborate and finished. The substantial merit of all is about the same. One of the most successful passages is the apostrophe to Greece. The poet little thought, when he was writing it, that his own bones would rest—and that so shortly—in the bosom of the land to which he was addressing these enchanting stanzas.

> Fair Greece ! sad relic of departed worth !
> Immortal, though no more ; though fallen, great !
> Who now shall lead thy scattered children forth,
> And long accustomed bondage uncreate ?
> Not such thy sons who whilome did await,
> The hopeless warriors of a willing doom,
> In bleak Thermopylæ's sepulchral strait—
> Oh ! who that gallant spirit shall resume,
> Leap from Eurotas' banks, and call thee from the tomb.
>
> Spirit of freedom ! when on Phyle's brow
> Thou sat'st with Thrasybulus and his train,
> Could'st thou forbode the dismal hour, which now
> Dims the green beauties of thine Attic plain ?
> Not thirty tyrants now enforce the chain,
> But every carl can lord it o'er thy land ;
> Nor rise thy sons, but idly rail in vain,
> Trembling beneath the scourge of Turkish hand,
> From birth till death enslav'd ; in word, in deed, unmann'd.
>
> In all save form alone, how changed ! and who
> That marks the fire still sparkling in each eye,
> Who would but deem their bosoms burned anew
> With thy unquenched beam, lost Liberty !
> And many dream withal the hour is nigh
> That gives them back their father's heritage :
> For foreign arms and aid they fondly sigh,
> Nor solely dare encounter hostile rage,
> Or tear their name defil'd from Slavery's mournful page.

Hereditary Bondsmen ! know ye not
Who would be free themselves must strike the blow ?
By their right arms the conquest must be wrought
Will Gaul or Muscovite redress ye ? no !
True, they may lay your proud despoilers low,
But not for you will Freedom's altars flame,
Shades of the Helots ! triumph o'er your foe !
Greece ! change thy lords, thy state is still the same ;
Thy glorious day is o'er, but not thy years of shame.

When riseth Lacedæmon's hardihood,
When Thebes Epaminondas rears again,
When Athens' children are with arts endued,
When Grecian mothers shall give birth to men,
Then may'st thou be restor'd ; but not till then.
A thousand years scarce serve to form a state !
An hour may lay it in the dust ; and when
Can man its shattered splendor renovate,
Recall its virtues back, and vanquish time and fate ?

And yet how lovely in thine age of wo,
Land of lost gods, and godlike men ! art thou !
Thy vales of evergreen, thy hills of snow
Proclaim thee Nature's varied favorite now.
Thy fanes, thy temples to thy surface bow,
Commingling slowly with heroic earth,
Broke with the share of every rustic plough ;
So perish monuments of mortal birth,
So perish all in turn, save well-recorded Worth.

Save where some solitary column mourns
Above its prostrate brethren of the cave ;
Save where Tritonia's airy shrine adorns
Colonna's cliff, and gleams along the wave ;
Save o'er some warrior's half forgotten grave,
Where the grey stones and unmolested grass
Ages, but not oblivion, feebly brave,
While strangers only not regardless pass,
Lingering like me, perchance, to gaze, and sigh ' Alas.'

Yet are thy skies as blue, thy crags as wild ;
Sweet are thy groves, and verdant are thy fields,
Thine olive ripe as when Minerva smil'd ;
And still his honied wealth Hymettus yields ;

There the blythe bee his fragrant fortress builds,
The freeborn wanderer of the mountain air;
Apollo still, thy long, long summer gilds,
Still in his beam Mendeli's marbles glare;
Art, Glory, Freedom fails, but Nature still is fair.

Where'er we tread 'tis haunted, holy ground,
No earth of thine is lost in vulgar mould;
But one vast realm of wonder spreads around,
And all the Muses' tales seem truly told.
Till the sense aches with gazing, to behold
The scenes our earliest dreams have dwelt upon;
Each hill and dale, each deep'ning glen and wold
Defies the power which crush'd thy temples gone;
Age shakes Athena's tower, but spares grey Marathon.

Long to the remnants of thy splendor past
Shall pilgrims, pensive, but unwearied throng;
Long shall the voyager, with th' Ionian blast,
Hail the bright clime of battle and of song;
Long shall thy annals and immortal tongue
Fill with thy fame the youth of many a shore;
Boast of the aged! lesson of the young!
Which sages venerate and bards adore,
As Pallas and the Muse unveil their awful lore.

The parted bosom clings to wonted home,
If aught that's kindred cheer the welcome hearth;
He that is lonely hither let him roam,
And gaze complacent on congenial earth.
Greece is no lightsome land of social mirth;
But he whom sadness sootheth may abide,
And scarce regret the region of his birth,
When wandering slow by Delphi's sacred side,
Or gazing o'er the plains where Greek and Persian died.

Let such approach this consecrated land
And pass in peace along the magic waste;
But spare its relics—let no busy hand
Deface the scenes, already how defac'd!
Not for such purpose were these altars plac'd;
Revere the remnants nations once rever'd;
So may our country's name be undisgrac'd,
So may'st thou prosper where thy youth was rear'd,
By every honest joy of love and life endear'd!

There is a wonderful degree of spirit and beauty in the opening of the reflections on the Field of Waterloo. Some

of the subsequent stanzas on the battle are a little too mystical; and the poet's delineation of the character of Bonaparte is not among his happiest efforts. His Ode to Napoleon is also one of the feeblest of his lyric productions; and in general, whenever he approaches this personage, he seems to fall below what we expect and below his own best manner. His genius, great as it was, appears to quail beneath his subject; or perhaps no extent of power could realise what we look for from Lord Byron writing upon Bonaparte.

> There was a sound of revelry by night,
> And Belgium's capital had gathered then
> Her Beauty and her Chivalry; and bright
> The lamps shone o'er fair women and brave men;
> A thousand hearts beat happily; and when
> Music arose with its voluptuous swell,
> Soft eyes look'd love to eyes which spake again,
> And all went merry as a marriage bell:
> But hush! hark! a deep sound strikes like a rising knell.
>
> Did ye not hear it?—No, 'twas but the wind
> Or the car rattling o'er the stony street;
> On with the dance! let joy be unconfined;
> No sleep till morn when youth and pleasure meet
> To chase the glowing hours with flying feet—
> But hark! what heavy sound breaks in once more
> As if the clouds its echo would repeat;
> And nearer, clearer, deadlier than before!
> Arm! arm! it is—it is—the cannon's opening roar!
>
> And there was mounting in hot haste: the steed,
> The mustering squadron, and the clattering car,
> Went pouring forward with impetuous speed,
> And swiftly forming in the ranks of war:
> And the deep thunder peal on peal afar;
> And near, the beat of the alarming drum,
> Roused up the soldier ere the morning star;
> While thronged the citizens with terror dumb,
> Or whispering, with white lips—'The foe! they come! they come!'
>
> And wild and high the 'Cameron's gathering' rose!
> The war-note of Lochiel, which Albyn's hills
> Have heard, and heard, too, have her Saxon foes:—
> How in the noon of night that pibroch thrills,
> Savage and shrill! But with the breath that fills
> Their mountain pipe, so fill the mountaineers
> With the fierce native daring which instils

The stirring memory of a thousand years ;
And Evan's, Donald's fame rings in each Clansman's ears !

And Ardennes waves above them her green leaves
Dewy with Nature's tear drops, as they pass,
Grieving, if aught inanimate e'er grieves,
Over the unreturning brave,—alas !
Ere evening to be trodden like the grass,
Which now beneath them, but above shall grow
In its next verdure, when this fiery mass
Of living valor, rolling on the foe
And burning with high hope, shall moulder cold and low.

Last noon beheld them full of lusty life,
Last eve in beauty's circle proudly gay,
The midnight brought the signal sound of strife,
The morn the marshalling in arms,—the day
Battle's magnificently stern array !
The thunder clouds close o'er it, which when rent,
The earth is covered thick with other clay,
Which her own clay shall cover, heaped and pent,
Rider, and horse,—friend, foe,—in one red burial blent !

Within a windowed niche of that high hall
Sate Brunswick's fated chieftain ; he did hear
That sound the first amid the festival,
And caught its tone with death's prophetic ear ;
And when they smil'd because he deem'd it near,
His heart more truly knew that peal too well,
Which stretch'd his father on a bloody bier,
And roused the vengeance blood alone could quell ;
He rush'd into the field, and foremost, fighting fell.

Ah ! then and there was hurrying to and fro,
And gathering tears and tremblings of distress
And cheeks all pale, which but an hour ago
Blush'd at the praise of their own loveliness ;
And there were sudden partings, such as press
The life from out young hearts, and choking sighs
Which ne'er might be repeated ; who could guess
If ever more should meet those mutual eyes
Since upon nights so sweet such awful morn could rise ?

The fourth Canto is full of beauties. The address to Rome, the descriptions of the Apollo Belvidere, and the Venus de' Medici, and especially of the Dying Gladiator, the stanzas on the death of the Princess Charlotte, are all exquisitely fine. In selecting another passage to adorn our pages, we are only em-

barrassed with the difficulty of making a choice. The address to the ocean, which forms the conclusion of the work, is conceived and written in a high style of sublimity.

> Oh! that the desert were my dwelling place,
> With one fair spirit for my minister,
> That I might all forget the human race,
> And, hating no one, love but only her!
> Ye Elements!—in whose ennobling stir
> I feel myself exalted—Can ye not
> Accord me such a being? Do I err
> In deeming such inhabit many a spot?
> Though with them to converse can rarely be our lot.
>
> There is a pleasure in the pathless woods,
> There is a rapture on the lonely shore,
> There is society, where none intrudes;
> By the deep sea, and music in its roar:
> I love not Man the less but nature more.
> From these our interviews, in which I steal
> From all I may be, or have been before,
> To mingle with the Universe, and feel
> What I can ne'er express, yet cannot all conceal.
>
> Roll on, thou deep and dark blue ocean—roll!
> Ten thousand fleets sweep over thee in vain;
> Man marks the earth with ruin—his control
> Stops with the shore; upon the watery plain
> The wrecks are all thy deed, nor doth remain
> A shadow of man's ravage, save his own,
> When, for a moment, like a drop of rain,
> He sinks into thy depths with bubbling groan
> Without a grave, unknell'd, uncoffin'd, and unknown.
>
> His steps are not upon the paths,—thy fields
> Are not a spoil for him,—thou dost arise
> And shake him from thee; the vile strength he wields
> For earth's destruction thou dost all despise,
> Spurning him from thy bosom to the skies,
> And send'st him, shivering in thy playful spray
> And howling to his Gods, where haply lies
> His petty hope in some near port or bay,
> And dashest him again to earth,—there let him lay.
>
> The armaments which thunderstrike the walls
> Of rock built cities, bidding nations quake,
> And monarchs tremble in their capitals,

The oak leviathans, whose huge ribs make
Their clay creator the vain title take
Of lord of thee, and arbiter of war;
These are thy toys, and, as the snowy flake,
They melt into thy yeast of waves, which mar
Alike the Armada's pride, or spoils of Trafalgar.

Thy shores are empires, changed in all save thee—
Assyria, Greece, Rome, Carthage, what are they?
Thy waters wasted them while they were free,
And many a tyrant since; their shores obey
The stranger, slave, or savage; their decay
Has dried up realms to deserts—not so thou,
Unchangeable save thy wild waters' play,
Time writes no wrinkle on thine azure brow,
Such as creation's dawn beheld, thou rollest now.

Thou glorious mirror, where the Almighty's form
Glasses itself in tempests; in all time,
Calm or convuls'd—in breeze, or gale, or storm,
Icing the pole, or in the torrid clime
Dark heaving;—boundless, endless, and sublime—
The Image of Eternity—the throne
Of the Invisible; even from out thy slime
The monsters of the deep are made; each zone
Obeys thee; thou goest forth, dread, fathomless, alone.

And I have loved thee, Ocean! and my joy
Of youthful sports was on thy breast to be
Borne, like thy bubbles, onward; from a boy
I wanton'd with thy breakers—they to me
Were a delight; and if the fresh'ning sea
Made them a terror—'twas a pleasing fear,
For I was as it were a child of thee,
And trusted to thy billows far and near,
And laid my hand upon thy mane,—as I do here.

My task is done—my song hath ceased—my theme
Has died into an echo; it is fit
The spell should break of this protracted dream.
The torch shall be extinguished which hath lit
My midnight lamp—and what is writ, is writ—
Would it were worthier! but I am not now
That which I have been—and my visions flit
Less palpably before me—and the glow
Which in my spirit dwelt, is fluttering, faint, and low.

Farewell! a word that must be, and hath been—
A sound which makes us linger;—yet—farewell!
Ye! who have traced the Pilgrim to the scene
Which is his last, if in your memories dwell
A thought, which once was his, if on ye swell
A single recollection, not in vain
He wore his sandal-shoon, and scallop-shell;
Farewell! with *him* alone may rest the pain,
If such there were—with *you*, the moral of his strain.

The minor narrative poems of a serious kind, including the Corsair, and Lara, the Giaour and the Bride of Abydos, Parisina, the Siege of Corinth, &c. are, in our opinion, much inferior in merit, as well as importance, to Childe Harold. These compositions are, in reality, what they profess to be, *narrative;* and not like Harold, descriptive and moral poems in disguise. We must, therefore, judge them by the principles that ought to govern in this department of the art. Now it is the first and most essential requisite in a narrative poem, that the characters presented, and the incidents related, should conform to the truth of nature. This rule is constantly violated by Lord Byron. His characters are all drawn upon the same plan, and are all wholly unnatural and impossible. His Corsairs, Alps, and Giaours, are beings of whom no prototype ever existed since the creation of the world. They unite the most delicate refinements of sentimental love with the habitual practice of highway robbery, piracy, murder, arson, and other agreeable amusements of the same description. Such a combination would be wholly intolerable, if the scenes were laid in civilised countries. It becomes a little less monstrous, when these heroes of a new description are presented under foreign names and dresses, and supposed to perform their exploits in semibarbarous regions. The power and splendor occasionally displayed in the versification and imagery also blind us, in some degree, to the vicious texture of the substance. But even the language is far from being so elegant and easy as that of Childe Harold. It is often harsh and strained, and sometimes negligent. Upon the whole, we doubt whether these poems would have been received with much approbation, had it not been for the great previous popularity of the author. They contain, however,

some passages of exquisite beauty; as for example the song of Medora in the Corsair.

Deep in my soul that tender secret dwells,
Lonely and lost to light for evermore,
Save when to thine my heart responsive swells,
Then trembles into silence as before.

2.

There, in its centre—a sepulchral lamp,
Burns the slow flame eternal—but unseen;
Which not the darkness of despair can damp,
Though vain its rays as it had never been.

3.

Remember me—oh! pass not thou my grave,
Without one thought, whose relics there recline;
The only pang my bosom dare not brave,
Would be to find forgetfulness in thine.

4.

My fondest—faintest—latest accents hear;
Grief for the Dead not Virtue can reprove;
Then give me all I ever ask'd a tear,
The first—last—sole reward of so much love!

The story of *Mazeppa* differs in character from the other poems of this class, and is, to us, by far the most agreeable of them. The fable, or rather the event described, (for it is a real one,) is as wild and singular as any fairy tale, but is still perfectly within the compass of nature, and is told with an easy and flowing gaiety of manner, that contrasts very happily with the strangeness of the incidents. The description of the hasty encampment of Charles Twelfth, and his suite, including Mazeppa, is a perfect picture.

A land of chiefs! alas how few,
Since but the fleeting of a day
Had thinn'd them; but this wreck was true
And chivalrous; upon the clay
Each sate him down, all sad and mute,
Beside his monarch and his steed,
For danger levels man and brute,
And all are fellows in their need.
Among the rest Mazeppa made
His pillow in an old oak's shade—

Himself as rough and scarce less old,
The Ukraine's hetman, calm and bold;
But first, outspent with this long course,
The Cossack prince rubb'd down his horse,
And made for him a leafy bed,
And smooth'd his fetlocks and his mane,
And slack'd his girth and stripp'd his rein,
And joy'd to see how well he fed;
For until now he had the dread
His wearied courser might refuse
To brouse beneath the midnight dews;
But he was hardy as his lord,
And little cared for bed or board;
But spirited and docile too;
Whate'er was to be done, would do.
Shaggy and swift, and strong of limb,
All Tartar like he carried him;
Obey'd his voice and came at call,
And knew him in the midst of all;
Though thousands were around,—and Night
Without a star pursued her flight,—
That steed from sunset until dawn
His chief would follow like a fawn.

This done, Mazeppa spread his cloak,
And laid his lance beneath the oak,
Felt if his arms in order good,
The long day's march had well withstood—
If still the powder fill'd the pan,
And flints unloosen'd kept their lock—
His sabre's hilt, and scabbard felt,
And whether they had chaf'd his belt—
And next the venerable man
From out his havresack and can
Prepared his slender stock;
And to the monarch and his men,
The whole or portion offered them
With far less of inquietude
Than courtiers at a banquet would.
And Charles of this his slender share
With smiles partook a moment there,
To force of cheer a greater show,
And seem above both wounds and woe,
And then he said—'Of all our band,
Though firm of heart and strong of hand,
In skirmish, march, or forage, none
Can less have said or more have done

Than thee, Mazeppa! On the earth
So fit a pair had never birth
Since Alexander's days till now,
As thy Bucephalus and thou;
All Scythia's fame to thine should yield
For pricking on o'er flood or field.'
Mazeppa answer'd—'Ill betide
The school wherein I learn'd to ride!'
Quoth Charles—'Old Hetman, wherefore so,
Since thou hast learn'd the art so well?'
Mazeppa said—''Twere long to tell;
And we have many a league to go,
With every now and then a blow,
And ten to one at least the foe,
Before our steeds may graze at ease,
Beyond the swift Borysthenes;
And, sire, your limbs have need of rest,
And I will be your sentinel
Of this your troop'—'But I request,'
Said Sweden's monarch, 'thou wilt tell
This tale of thine, and I may reap,
Perchance from this the boon of sleep;
For at this moment from my eyes
The hope of present slumber flies.'

Then comes the veteran soldier's recollection of his youthful loves, the relation of his astonishing adventures on horseback, and of the singular way in which he rode into possession of a principality. It is all, as Sir Andrew Aguecheek says in the play, most excellent foolery.

The *comic narrative poems*, to which, perhaps, *Mazeppa* properly belongs, form another distinct class of Lord Byron's works, including *Don Juan*, *Beppo*, and the *Vision of Judgment*. The plan of them is borrowed from the Italian writers; and there is nothing else of the kind in English, if we except a recent work of Mr Frere, alias Whistlecraft.* These poems are executed with great power and success; and there is little to object to them in a literary point of view, except an occasional want of finish in the versification. We regret to say, that they are tainted with faults of a different kind, which make it improper to recommend them to general perusal, or to criticise them in detail. The following beautiful ode may however be read with unmingled pleasure.

* In our last number we were mistaken in ascribing this work to Mr Rose.

The isles of Greece, the isles of Greece!
Where burning Sappho loved and sung,
Where grew the arts of war and peace,—
Where Delos rose, and Phœbus sprung!
Eternal summer gilds them yet,
But all, except their sun, is set.

The Scian and the Teian muse,
The hero's harp, the lover's lute,
Have found the fame your shores refuse,
Their place of birth alone is mute
To sounds which echo further west,
Than your sires 'Islands of the Blest.'

The mountains look on Marathon—
And Marathon looks on the sea;
And musing there an hour alone,
I dream'd that Greece might still be free;
For standing on the Persian's grave,
I could not deem myself a slave.

A king sat on the rocky brow,
Which looks o'er sea-born Salamis;
And ships, by thousands, lay below,
And men in nations; all were his!
He counted them at break of day—
And when the sun set where were they?

And where are they? and where art thou,
My country? On thy voiceless shore
The heroic lay is tuneless now—
The heroic bosom beats no more!
And must thy lyre so long divine,
Degenerate into hands like mine?

'Tis something, in the dearth of fame,
Though link'd among a fetter'd race,
To feel at least a patriot's shame,
Even as I sing, suffuse my face;
For what is left the poet here!
For Greeks a blush—for Greece a tear.

Must *we* but weep o'er days more blest?
Must *we* but blush?—Our fathers bled.
Earth! render back from out thy breast
A remnant of our Spartan dead!

Of the three hundred grant but three,
To make a new Thermopylæ.

What, silent still? and silent all?
Ah! no;—the voices of the dead
Sound like a distant torrent's fall,
And answer, 'Let one living head,
But one arise,—we come, we come!'
'Tis but the living who are dumb.

In vain—in vain; strike other chords;
Fill high the cup with Samian wine!
Leave battles to the Turkish hordes,
And shed the blood of Scio's vine!
Hark! rising to the ignoble call—
How answers each bold bacchanal!

You have the Pyrrhic dance as yet,
Where is the Pyrrhic Phalanx gone?
Of two such lessons, why forget
The nobler and the manlier one?
You have the letters Cadmus gave—
Think ye he meant them for a slave?

Fill high the bowl with Samian wine!
We will not think of themes like these!
It made Anacreon's song divine;
He served—but served Polycrates—
A tyrant; but our masters then
Were still, at least, our countrymen.

The tyrant of the Chersonese
Was freedom's best and bravest friend;
That tyrant was Miltiades!
Oh! that the present hour would lend
Another despot of the kind!
Such chains as his were sure to bind.

Fill high the bowl with Samian wine!
On Suli's rock, and Parga's shore,
Exists the remnant of a line
Such as the Doric mothers bore;
And there, perhaps, some seed is sown,
The Heracleidan blood might own.

Trust not for freedom to the Franks—
They have a king who buys and sells;

In native swords, and native ranks,
The only hope of courage dwells;
But Turkish force, and Latin fraud,
Would break your shield, however broad.

Fill high the bowl with Samian wine!
Our virgins dance beneath the shade—
I see their glorious black eyes shine;
But gazing on each glowing maid,
My own the burning tear-drop laves,
To think such breasts must suckle slaves.

Place me on Sunium's marbled steep,
Where nothing, save the waves and I,
May hear our mutual murmurs sweep;
There swan-like let me sing and die;
A land of slaves shall ne'er be mine—
Dash down yon cup of Samian wine!

The *dramatic poems* constitute the last division of the productions of this inexhaustible genius. These would afford a larger field for regular criticism than either of the other classes, if we had room and inclination to enter upon the subject. But our limits begin to fail us; and we took up the pen with a determination to point out beauties rather than defects. Considered merely as dramas, these performances are generally deficient in regularity, and most of them are more carelessly and incorrectly written, than any of the author's other works. But it is impossible to read the poorest of them without meeting, at times, with splendid passages, and without recognising throughout the traces of a masterhand.

2. Our readers will readily conclude, from the tenor of the preceding remarks, that we have no disposition to depreciate the reputation of Lord Byron. Without indulging in a blind and indiscriminate admiration of everything he has written, we have endeavored to render him not only fair, but ample justice; and we trust that we have praised him enough to satisfy his warmest admirers, to the number of whom we profess to belong. We shall not, therefore, be suspected of writing under any unfavorable prejudice, if the few observations upon the moral tendency of these poems, which we now propose to offer, should wear a different aspect from those, which we have made upon their literary character. It

is indeed, much to be regretted, that almost the whole mass of Lord Byron's writings is, in one way or another, tainted with immorality, and fitted to produce an unfortunate effect upon the reader's mind. A considerable part of them are disfigured with absolute grossness. To these the noble author himself did not think it expedient to affix his name, and they are of course, excluded, by this quality, from general perusal, and from the domain of regular criticism. But others, which are wholly free from this stain, are infected with faults more dangerous, perhaps, because less obvious to the unsuspecting or uninformed reader; such as the exhibition, under a favorable point of view, of unnatural and vicious characters, and the introduction of false principles in morals and religion. The looseness of Lord Byron's notions upon these subjects, seems to have been one of the principal sources of these, and all the other defects in his poetry.

Lord Byron appears to have thrown off very early, (if he ever felt it,) the wholesome restraint, which is generally imposed upon young minds by the authority of received opinions; and never to have attained any firm or distinct conception of the sublime truths, which these received opinions rest upon and represent. This would have been a misfortune to himself, rather than the public, were it not that, although he had evidently no settled notions upon these important points, he was extremely fond of treating of them in his writings. His rage for speculation, combined with this entire absence of fixed principles, leaves him in a state of constant vacillation between the most opposite theories. Occasionally he avowed himself a Christian; but in many of his writings he openly scoffs at the popular belief of his country. At times he presents us with pure and elevated views of the character of God, and professes to admit the reality of virtue, and to feel and admire its beauty. More generally we find him inclining to a gross and gloomy materialism, doubting or denying the existence of any good principles or feelings, regarding the universe as a result of blind chance or fate, and man as a mere brute like the rest. At other times he rises a little above this system, into a kind of mazy skepticism, and seems to look upon the nature and destiny of the human race, as a strange and insoluble enigma. Such is the tenor of the reflections contained

in the following powerful passage of the fourth canto of Childe Harold.

Alas! our young affections run to waste,
Or water but the desert; whence arise
But weeds of dark luxuriance, tares of haste,
Rank at the core, though tempting to the eyes,
Flowers whose wild odours breathe but agonies,
And trees, whose gums are poison; such the plants
Which spring beneath her steps as Passion flies
O'er the world's wilderness, and vainly pants
For some celestial fruit forbidden to our wants.

Oh! Love! no habitant of earth thou art—
An unseen seraph, we believe in thee,
A faith whose martyrs are the broken heart,
But never yet hath seen, nor e'er shall see
The naked eye, thy form, as it should be;
The mind hath made thee, as it peopled heaven,
Even with its own desiring phantasy,
And to a thought such shape and image given,
As haunts the unquench'd soul—parch'd—wearied—wrung—
and riven.

Of its own beauty is the mind diseased,
And fevers into false creation;—where,
Where are the forms the sculptor's soul hath seized?
In him alone. Can Nature show so fair?
Where are the charms and virtues, which we dare
Conceive in boyhood and pursue as men,
The unreach'd paradise of our despair,
Which o'er-informs the pencil and the pen,
And overpowers the page where it would bloom again?

Who loves, raves—'tis youth's frenzy—but the cure
Is bitterer still; as charm by charm unwinds
Which robed our idols, and we see too sure
Nor worth, nor beauty dwells from out the mind's
Ideal shape of such; yet still it binds
The fatal spell, and still it draws us on,
Reaping the whirlwind from the oft sown winds;
The stubborn heart, its alchemy begun,
Seems ever near the prize—wealthiest when most undone.

We wither from our youth, we gasp away—
Sick—sick; unfound the boon—unslaked the thirst,
Though to the last, in verge of our decay,
Some phantom lures, such as we sought at first—

But all too late,—so are we doubly curst,
Love, fame, ambition, avarice—'tis the same,
Each idle—and all ill—and none the worst—
For all are meteors with a different name,
And death the sable smoke where vanishes the flame.

Few—none—find what they love or could have loved,
Though accident, blind contact, and the strong
Necessity of loving, have removed
Antipathies—but to recur, ere long
Envenom'd with irrevocable wrong;
And Circumstance, that unspiritual god
And miscreator, makes and helps along
Our coming evils with a crutch-like rod,
Whose touch turns hope to dust,—the dust we all have trod.

Our life is a false nature—'tis not in
The harmony of things,—this hard decree,
This uneradicable taint of sin,
This boundless Upas, this all blasting tree,
Whose root is earth, whose leaves and branches be
The skies which rain their plagues on men like dew—
Disease, death, bondage—all the woes we see—
And worse, the woes we see not—which throb through
The immedicable soul, with heart aches ever new.

Yet let us ponder boldly—'tis a base
Abandonment of reason to resign
Our right of thought—our last and only place
Of refuge; this, at least, shall still be mine;
Though from our birth the faculty divine
Is chain'd and tortured—cabin'd, cribb'd, confined,
And bred in darkness, lest the truth should shine
Too brightly on the unprepared mind,
The beam pours in, for time and skill will couch the blind.

To this terrifying picture of the moral world, in which our young affections are represented as running to waste or watering only the desert, and in which the reality of Love is formally denied, succeeds, a few pages after, a charming passage, where the power of parental and conjugal affection is described, as strong enough to triumph over the agony of a public and painful death in the mind of the Dying Gladiator. There is hardly anything in the whole poem more touching than the second of the following stanzas.

I see before me the Gladiator lie;
He leans upon his hand—his manly brow
Consents to death, but conquers agony,
And his droop'd head sinks gradually low—
And through his side the last drops, ebbing slow
From the red gash, fall heavy, one by one,
Like the first of a thunder shower; and now
The arena swims around him—he is gone,
Ere ceased the inhuman shout, which hail'd the wretch who won.

He heard it, but he heeded not—his eyes
Were with his heart, and that was far away;
He reck'd not of the life he lost nor prize,
But where his rude hut by the Danube lay
There were his young barbarians all at play,
There was their Dacian mother—he, their sire
Butchered to make a Roman holiday—
All this rush'd with his blood—shall he expire,
And unavenged?—Arise! ye Goths, and glut your ire.

Such, in a moral point of view, is the strange and inconsistent texture of these poems. Their least injurious operation would be to unsettle the reader's mind, as far as they affected it, and to plunge him into a bewildering chaos of doubts and fears. But as the leaning of Lord Byron is evidently to the worst and most desolating theories that appear in his writings, their general effect must be considered on the whole as decidedly immoral; especially when we take into account that in many of them a philosophy, which tends to degrade human nature and destroy the belief in virtue, is connected with alluring and favorable descriptions of vice. It was one of the rules prescribed by Plato for the government of his imaginary city, that no poet should be tolerated there; and that such as made their appearance within its walls should be crowned with garlands, and covered with public honors, and then conducted into perpetual exile. With all the admiration we feel for the genius of Lord Byron, we should incline very much, if we had the power, to treat his writings, as Plato would have treated his person; and after giving them all the praise they so justly merit as works of art, to remove them forever from the public view. As this is impossible, we can only hope that the passages of pure morality and correct sentiment, that are scattered through this

wilderness of sweets and poisons, may attract most strongly the attention of the young, and serve to counteract the influence of the false principles and dangerous descriptions with which they are surrounded.

The person and social habits of Lord Byron have been often described, but as these are points upon which the public curiosity respecting distinguished individuals is not easily satiated, we have thought that our readers would be gratified by a few new details. We accordingly requested a literary friend residing in this neighborhood, who had the honor of knowing his lordship in Europe, to furnish us with such particulars as he might think proper to communicate. We have been favored in reply with the following letter, with which we are happy to be able to enrich our pages.

'You have requested me to give you an account of my acquaintance with Lord Byron, and of his appearance, manner, and conversation, as I had an opportunity personally to observe them. Though my acquaintance with him is now a subject of pleasing recollection to me, it was too slight and of too short a continuance to furnish much, of which you can make public use. It began in London in the summer of 1815. Mr ——, a gentleman, whom you know there and who is intimate in the best London circles, had promised to introduce me to Lord Byron, whose fame had then perhaps reached the highest point, to which it ever rose, by the recent publication of the Corsair. Finding that the time of my departure for the continent was approaching, and that an introduction in due form was to be a matter of ceremony and delay, I determined to avail myself of a stranger's privilege, and sending his lordship a copy of my little poem, I expressed my wish to wait on him in person. The next day brought me a very kind return, in a note making an appointment for a personal interview, and in a copy of all his poems then published, made more valuable by the correction of some misprints by his own pen. Lord Byron lived in Piccadilly Terrace without ostentation of splendor, but in the common style of persons of rank and fortune in London. His reception of me was extremely kind, and from my entering the room he placed me entirely at ease. His figure, as you are aware from the numerous descriptions of his person, was not above the middling height, and his frame inclining to be broad, his

general appearance being indicative of muscular strength. His hair at this time was worn short. When I saw him three years after in Venice, it was longer and curled in his neck behind. It was, if I remember, of a very dark hazel color. His forehead was not uncommonly high, but erect and manly, his face not very finely shaped, being inclined to be broad and flat. In this respect the best prints have flattered him; or at least the profile, which they exhibit, was better than the front face. His eye was a dark grey, mild and soft; his nose somewhat broad; the lips full, the upper lip considerably arched, and his smile singularly winning. The chin was marked with a dimple, but bold and finely turned. The line in his face from the chin to the ear has always been remarked as uncommonly beautiful. His complexion was perfectly white, without the least bloom, and his skin not clear. On the whole, Lord Byron's face and head would probably not strike a person, who should see without knowing him, as those of a man of great power. There was certainly no trace in his expression of that strong peculiar character which reigns in his works.

'He had, it is well known, a considerable personal deformity. Both his feet were affected with a natural malformation. It appeared to consist in a want of a proper organisation of the joints of the ancles, and the feet were smaller than the natural size. With loose pantaloons, worn long, this deformity could not have been discerned, except on close inspection; but it produced a stiffness and effort in his gait, though not to a degree to excite painful emotions. The common accounts of extreme deformity, lameness, &c. are quite groundless; and Lord Byron's exploits in swimming are a sufficient proof, that his limbs were not disabled by the defect in question.

'It is not usual, that the conversation of a very distinguished man affords much of an idea of his character, in an interview of mere politeness. Lord Byron's conversation, in the few interviews I had with him, was certainly rather that of a well educated and well bred man, than of one of extraordinary powers. His usual tone of voice was quite low, and at the close of sentences indistinct. But on expressing some idea, which had just occurred to him, or in which he took more than usual interest, it suddenly rose to a shrill and piercing note. I may observe, that his handwriting was uncommonly

bad; not indeed particularly illegible—a quality sometimes affected by distinguished persons—but wholly destitute of firmness and character.

'The trifles, which are likely to form the subject of conversation on such an occasion as this, scarce admit of subsequent report. Lord Byron spoke to me of the topics likely to interest me as an American; the expedition then fitted out by our government against Algiers; the state of political opinion and of literature in America. He discovered considerable acquaintance with our state of society, and on this topic expressed great surprise at the virulence with which Moore, (of whom he spoke with particular fondness,) had attacked the Americans in his early poems. He called him the best tempered man he had ever known. On some topics of domestic English politics, he spoke with severity and even bitterness, and mentioned the late lord Londonderry in terms, which out of tenderness to the memory of men—both of whom are gone, ought not to be repeated. He said he regarded a seat in the House of Lords, as the most valuable privilege conferred by nobility in England. He added, that he had never spoken himself but twice in the house; once on the Catholic Question, on which "they accused him of saying saucy things." He was at this time twentyseven years and four or five months old; and he observed, that his feelings and opinions on all subjects had undergone great changes since his youth.

'He said, that though he had suppressed "the English Bards and Scotch Reviewers," he supposed it would never be really forgiven him, by those who were mentioned in it. He remarked, that he had suppressed it at the instance of Rogers, and on grounds (which he stated) wholly disconnected from the obvious one usually assigned, of conciliating the reviewers and authors censured in it. He particularly repelled the suggestion, that he had suppressed the satire in order to propitiate Mr Jeffrey, adding, that he did it before the favorable notice of Childe Harold had appeared in the Edinburgh Review. He spoke in the highest terms of the magnanimity and independence of Mr Jeffrey, who was not the author of the severe notice of Lord Byron's juvenile poems, that led to the composition of the English Bards and Scotch Reviewers. He said Southey's Vision of Roderick was the best of his

poems, and though he thought the author, on the whole, not a favorite poet in England, his reputation seemed to be rising from year to year. He spoke with great enthusiasm of Greece; took up a modern Greek work and read a passage from it; showed me a specimen of Athenian hemlock, and declared that the happiest days of his life were passed in that country, when he adopted the national dress and mingled like a native in the society. He kindly offered me letters of introduction to those whom he had known in that country, particularly to Ali Pacha, who figures so conspicuously in Childe Harold. This promise he fulfilled, and three years after, his letter to that extraordinary character procured me many marks of favor from the barbarous old chieftain.

'I saw Lord Byron occasionally during my short visit to London. The unfortunate occurrences in his family, which led him to the continent, had not then taken place. I afterwards saw him at Venice, where he lived in a very respectable manner; and to all appearance without affording the least foundation to many of the tales, which have obtained currency with respect to him. He was surrounded with books, and his works published about that time prove that he must have been a hard student. He then spoke of repeating his visit to Greece, but the revolution was not then even anticipated, though destined so shortly to break out.'

ART. II.—*A Treatise on the Law of Insurance.* By WILLARD PHILLIPS. 8vo. pp. 550. Boston. 1823.

THE progress of commerce in modern times will appear more surprising the more minutely it is examined. It steadily advanced among the nations of Europe during the whole of the eighteenth century, and in the latter half, notwithstanding occasional interruptions by war, it was probably double in extent and value, what it had ever attained in any other equal period. Holland had indeed lost her maritime superiority by the destruction of her carrying trade. But the Northern powers, and particularly Russia, assumed a highly commercial character. Italy was compelled to mourn the departure of the times, when Venice, and Genoa, and Leghorn, covered

the Mediterranean with their wealth. But France felt the invigorating influence of trade, and began to court with respect, what she had previously cherished only as a source of revenue. Above all, British commerce, during this period, enjoyed the most signal triumph. Her merchants and mariners were familiar with the whole Globe, with the Baltic and the Levant, the Black and the White Sea, the Atlantic and the Pacific, with the Americas and the Indies, with the fisheries of Newfoundland and Greenland, the fur trade of the Indians, the timber, hemp, and manufactures of the North, the cottons, spices, and teas of the East, and with the gums, drugs, ivory, and flesh, of Africa. It is probably short of the real state of the case to assert, that the commercial capital of Great Britain was quadrupled during the reign of George the Third. Of the causes of this vast increase it is beside our present purpose to enter into an examination. But there can be no doubt, that her navigation has been essentially aided by the improved state of her manufactures, arising as well from superior skill and workmanship, as from her wonderful inventions in cotton machinery. She now exports to the East Indies and China cotton goods of her own manufacture, to an immense value, which she formerly imported from those countries. And the unrivalled beauty and excellence of her fabrics, have not only suspended the use of those of foreign origin within her own dominions, but have enabled her in a great measure to command all the open markets of the world.

Under such circumstances it would be a natural inference, that there had been a correspondent advancement of her commercial law. The conclusion would seem natural, if not irresistible, that a people, distinguished for centuries by their commercial activity and enterprise, must have been under the protection of a well settled system of commercial jurisprudence. Philosophers and practical jurists would ask, how it would be possible for the infinite variety of business growing out of an extensive foreign trade to be adjusted, without resort to some well known rules and general principles? Strange, however, as it may seem, it is undeniable, that England had made very little progress in commercial law, at so late a period as the commencement of the reign of George the Third. Yet she had been a commercial nation, to a considerable extent, from the reign of Elisabeth; and

for more than a century had possessed plantations and colonies, whose population and trade perpetually invigorated her navigation.

A slight historical review will put this matter beyond any reasonable controversy. One of the earliest English works on maritime law is Malynes' Lex Mercatoria, published in 1622, in the reign of James the First. Welwood had a few years before printed his Abridgment of the Sea Laws; but it is principally a collection of the rules and ordinances of foreign countries. It is remarkable, that Malynes refers to no antecedent English writer on the subject of his treatise, and except in a very few unimportant instances, to no English adjudications. His work is principally a compendium of commercial usages, not confined to England, but supposed by him to be common to all the maritime states of Europe. It is quite a meagre and loose performance, and contains few principles, that are now of any practical importance. He has two or three short chapters upon bills of exchange, which show, that the doctrines upon that subject, then familiar on the Continent, were not much known in England, except as usages among merchants. He laments, that negotiable promissory notes, which then circulated among all the commercial cities of the neighboring nations, were strangers to the jurisprudence of England.

In fact, they were not introduced into general use until near the close of the reign of Charles the Second. Lord Holt, in the case of Buller *v.* Crisp, (6. Mod. Rep. 29,) decided in the second year of Queen Anne's reign, said, 'I remember when actions upon *inland* bills did first begin; and there, they laid a *particular* custom between London and Bristol, and it was an action against the acceptor. The defendant's counsel would put them to prove the custom, at which Hale, chief justice, laughed, and said, *they had a hopeful case of it.*' Lord Holt himself stubbornly denied the negotiability of promissory notes; and in this very case of Buller *v.* Crisp, it was proved, that these notes had then been 'used for a matter of *thirty* years.' It is familiar to the profession, that an act of Parliament was found necessary to put promissory notes upon the same footing as inland bills of exchange, although 'this laudable custom,' as Malynes calls it, had been long established on the Continent.

Malynes devoted five chapters, containing in all about *fifteen* folio pages, to the subject of insurance. We do not recollect that, in the whole of the discussion, a single reference is made to any English adjudication. It is indeed sufficiently apparent, that the author drew almost all his materials from foreign sources. The earliest case indeed, that is to be found on a policy of insurance, is cited by Lord Coke in Dowdale's case, 6. Co. 47. 6. as having been decided in 30th and 31st Elisabeth; and from the manner in which he refers to it, as well as from the point in judgment, it is manifest, that the action was then a novelty.

In 1651 Mr Marius, a notary public, published his book entitled, 'Advice concerning Bills of Exchange,' which went through several editions, and was the only work of much reputation, that appeared on this subject in England until after the lapse of a century. It is altogether a practical treatise, referring for authority to the common usages of merchants, and pretending to no aid from any acknowledged doctrines of the English law. At the distance of fifty years after Malynes, Mr Molloy, a barrister at law, published his work, De Jure Maritimo et Navali. The subject of Insurance is despatched in one short chapter; and though here and there a few short notes of English cases are interspersed, the substance is essentially what is found in Malynes, so that it may be fairly inferred, that, during the intermediate period, little progress had been made in the true understanding of this branch of the law. Indeed its real importance was so imperfectly estimated by the common lawyers, that Molloy triumphantly observes, 'the policies now a days are so large, that almost all those curious questions, that former ages and the civilians according to the law marine, nay, and the common lawyers too have controverted, are now out of debate; scarce any misfortune, that can happen, or provision to be made, but the same is taken care for in the policies, that are now used, for they insure against heaven and earth, stress of weather, storms, enemies, pirates, rovers, &c. or whatever detriment shall happen or come to the thing insured, &c. is provided for.' This would be strong language to use even in our days, when the legal construction of the terms and the risks of policies has been settled after very numerous and expensive litigations. But for that day, and from a lawyer too, the language

is most extraordinary; and could arise only from gross ignorance of the vast extent and variety of the subject.

In respect to navigation and shipping, which now form so large heads of commercial law, the information given by these treatises is miserably defective. It is given in three or four chapters containing little more than abstracts from the laws of Oleron, and from the short maritime titles in the civil law and its commentators. And yet these treatises, for we need hardly advert to Mr Magens' Essay on Insurances, published so late as 1755, contain the substance of all English elementary collections of maritime jurisprudence down to the period, when Lord Mansfield succeeded Sir Dudley Ryder as Chief Justice of the King's Bench. Nor was this deficiency owing to the want of talents or industry on the part of the compilers. They accumulated most of the valuable English materials within their reach. The Reports furnished very few principles, and still fewer illustrations of general application. It is true, that Lord Holt in his famous decision in the case of Coggs *v.* Barnard, in which *per saltum* he incorporated the whole civil law of bailments into the common law, led the way to a more exact understanding of the law of shipping; but the actual application of his principles belong to a later age.

That there is no exaggeration in this statement of the uncertainty and defects of the English law, on maritime subjects, will be still more fully evinced by reference to some of her best authors. Mr Justice Blackstone in his very elegant and classical commentaries, a work professing to contain a summary of the principles of English law, treats the subject of insurance in a single paragraph, and after defining the contract, and shewing it not to be usurious, briefly adds, 'The learning relating to these insurances hath of *late years* been greatly improved by a series of judicial decisions, which have now established the law in such a variety of cases, that if well and judiciously collected, they would form a very complete title in a code of commercial jurisprudence. But being founded on equitable principles, which chiefly result from the special circumstances of the case, it is not easy to reduce them to any *general heads* in mere elementary treatises.' Such was the view of a very competent judge on the state of the law in the year 1765. Mr Park, in the introduction to his system, after adverting to the history of the establishment of the Court of Policies of Assurance in the reign of Queen

Elisabeth, and its having subsequently fallen into disuse, and probably into disrepute, observes, 'But though the Court of Policies of Assurance has been long disused, though it is near a century since questions of this nature became chiefly the subject of common law jurisdiction, yet I am sure I rather go beyond bounds, if I assert, that in all our reporters from the reign of Queen Elisabeth to the year 1756, when Lord Mansfield became Chief Justice of the King's Bench, there are *sixty* cases upon matters of insurance. Even those cases, which are reported, are such loose notes, mostly of trials at Nisi Prius, containing a short opinion of a single judge, and *very often no opinion at all*, but merely a general verdict. From hence it must necessarily follow, that as there have been but few positive regulations upon insurances, the principles, on which they were founded, could never have been widely diffused, nor very generally known.' Mr Marshall in general terms confirms these observations. After referring to the establishment of the two great English Insurance Companies by the statute of 6th. George I. ch. 18, he proceeds to say, 'From this time it may be reasonably supposed, that all suits on policies of insurance were brought in the courts of common law, and yet but few questions on this subject appear to have been determined in the courts of Westminster, before the middle of the last (eighteenth) century. Whether this arose from the number of insurances in England being inconsiderable, compared to what it has since become, or from the parties being still in the habit of settling their differences by arbitration, or from both these causes united, it is not now easy to determine.' Mr Miller gives a similar view of the English law, and in marked terms attributes its great improvement to Lord Mansfield; and then speaking of his own country in 1787, adds the following remarks. 'In Scotland the improvements of this branch of law have been still later than in England, as might be expected from the slower growth of its commerce. Although the decisions of the principal courts of justice have been pretty regularly collected for more than a century, yet the first decisions, which strictly speaking relate to insurance, are all, except one, within the course of the last ten years. During this period, however, the trade of insuring has risen to a very great height, and the decisions of the Court of Sessions upon that subject have become proportionably comprehensive and systematic.'

What renders this state of the English law the more extraordinary is the fact, that almost all the important general principles of commercial jurisprudence had, for more than three quarters of a century, been reduced to a very clear and practical code in France. The very early treatise on insurance, called Le Guidon, was republished by Cleirac, in his Us et Coutumes de la Mer, in 1671. In 1673 Louis the Fourteenth published his Ordinance upon Commerce, which among other things deals largely upon the doctrines of bills of exchange and promissory notes and orders. This was followed by the truly admirable Ordinance of 1681, in which the whole law of navigation, shipping, insurance and bottomry is collected in a most systematic and masterly manner. It would be a very narrow and unjust view of these ordinances to consider them as mere collections of the municipal regulations of France. They are more properly collections of those commercial principles and usages, which the experience of merchants had found most wise and convenient in their intercourse, and which the habits of business, and the necessities of trade had gradually introduced into favor among all modern maritime nations. Yet the English common lawyers, if not profoundly ignorant of the value of this code, then passed it by with obstinate indifference, and contented themselves with a proud reliance on the old doctrines of Westminster Hall, as adequate to all the exigencies of modern society.

It seems to have been thought somewhat difficult to account, in a satisfactory manner, for this state of things, especially as Mr Magens, referring to the period when he wrote, states, 'it must be allowed that the business of insurance is carried to a much greater extent in London, than in any other country in Europe. Insurances are daily made here on adventures by foreign ships, as well as others, whose risks are wholly determinable in foreign dominions.' Mr Park and Mr Marshall obviously consider the subject as involved in much obscurity, and prudently, if not warily, abandon it to the conjectures of the reader.

To us it appears to admit of a very simple solution, although one, which the pride of the profession might not choose to point out without confessing the fallibility of the system. It is, that the common law was an *utter stranger* to

the principles of commercial jurisprudence, and slowly and reluctantly admitted them into its bosom; so that the age was always greatly in advance of the doctrines of the judicial tribunals. The ancient law dealt altogether in feudal tenures and doctrines, abounding in scholastical subtleties and refinements, and nice and curious distinctions, much better fitted for the times of chivalry and feudal burthens, than for the manhood of commerce. It had a narrow and technical mode of expounding contracts, and a still more narrow and unsatisfactory mode of enforcing them. Instead of widening its channels to accommodate the active business of life, the whole was compelled to pass, as it might, along the ancient boundaries. The subtleties of pleading, the difficulty of enforcing various defences, and the inconveniencies of screwing down general merits into established forms, embarrassed every remedy upon contracts of a special nature, and drove the parties to seek redress in the then infant, and of course very imperfect, administration of equity.

When the spirit of English commerce had embarked vast interests in trade, it found itself without any encouragement from the law, and endeavored to work its way to its rights and its duties by the aid of lights reflected from other countries. English merchants became familiar with foreign usages, and soon adopted them into the habits of their business, for want of a more certain guide. These usages soon became general; and, first, as a matter of honor, and then as a customary law, they fastened themselves upon all the transactions of trade. But it was very gradually, that the common law recognised them in any shape, and always with a cold, hesitating, and jealous caution. Slade's Case, in 4th Coke's Reports, shows how unwilling the courts of common law were to entertain the action of assumpsit in the plainest cases. They clung with obstinate reverence to the old forms of the action of debt, and found the Benchers of the Inns of Court always ready to sound the alarm against innovations. But the doctrine, now universally admitted, of giving equitable defences in evidence, and sustaining equitable claims in the action of assumpsit, would have astonished Westminster Hall almost down to the period of the Revolution of 1688, and encountered adversaries even in the days of Lord Mansfield. What would one say, if he were now told, that upon a bargain to deliver at a certain

price twenty quarters of wheat every year during the life of the party, no action could lie for any breach of the annual delivery until the party was dead? And yet this was certainly the law, while the action of debt was the sole remedy, (as it was for ages,) for debt did not lie for any breach, until all the days were incurred, i. e. until the agreement was ended by the death of the party, however inconsistent it might be with the intention of the contract. Nay, even now, the action of debt stands on the same nicety, and cannot be brought upon a note for money payable by instalments, until all the days of payment are past. The sagacity of the old law discovered, that a single action only ought to be brought upon a single contract; and to support an action for each instalment would be to make the contract divisible. Such a conclusion, however reconcilable with common sense and the intention of the parties, was abhorrent to the settled forms in the Register. Such were the narrow views of the old lawyers; and the judges at length tasked their wits in supporting the new device of the action of general assumpsit, the history of which has been given with great ability by Lord Loughborough in the case of Rudder *v.* Price, in Henry Blackstone's Reports. How utterly inadequate must such a system have been for the infinite diversity of contracts in our day?

If the difficulties, which have been adverted to, applied to contracts generally, they must have applied with far greater force to commercial contracts, which are so mixed up with usages and negotiations unknown to the common law, and are so loose in their terms and general in their obligations. In fact, the Admiralty was the only court, in which maritime law was much understood or studied; and this court had the misfortune to labor under the heavy displeasure of the courts at Westminster. The civilians were always looked upon with forbidding jealousy, and every effort was made to undervalue their learning, and depress the popularity of the civil law. We know well, what were the causes of this conduct; and do not mean to insinuate, that it was without a very strong apology. But it is nevertheless true, that from this very source, this disparaged civil law—this great fountain of rational jurisprudence—the common law has borrowed without acknowledgment all that is most useful and important in its own doctrines of contract.

It were easy to multiply these observations, and to demonstrate their correctness by exhibiting in detail, the manner in which the remedies upon commercial contracts were hampered by technical proceedings under the old law. But such a detail would be very dry, and though matter of curiosity, would scarcely repay the labor of perusal, even to a professional reader. It has indeed often been said, that the law merchant is a part of the common law of England; and my Lord Coke has spoken of it in this manner in his Institutes, though it would be somewhat difficult to find out, what part of the law merchant, as we now understand it, existed at that period. If the expression, that the lex mercatoria is a part of the common law, be anything more than an idle boast, it can mean only, that the general structure of the common law is such, that without any positive act of the Legislature, it perpetually admits of an incorporation of those principles and practices, which are from time to time established among merchants, and which from their convenience, policy, and consonance with the general system, are proper to be recognised by judicial tribunals. In this sense the expression is perfectly correct; in any other sense it has a tendency to mislead.

Almost all the principles, that regulate our commercial concerns, are of modern growth, and have been engrafted into the old stock of the law by the skill of philosophical as well as practical jurists. One of the leading cases, in which there is some flourish made about this maxim, that the law merchant is part of the common law, is Vanheath *v.* Turner in the nineteenth year of the reign of king James the First. It is reported in Winch's Reports; and as it happens now to lie open before us, we will extract the substance of it, to show how commercial contracts were dealt with at that period. It was a special action, and Winch states it thus. 'Peter Vanheath brought an action against Turner and declared upon the *custom of merchants*, that if any merchant over the sea deliver money to a factor, and make a bill of exchange under his seal, and this is subscribed by the merchant, or by any of the company of such merchants, that the merchant himself, or all the company, or any one in particular, may be charged to pay that; and he shewed, that one merchant was factor of the company, of which the defendant was one, and

that merchant did substitute one G, to whom the plaintiff delivered £100 upon a bill of exchange, to which bill one B, being one of the company, set his hand in England, and so the action accrued to the plaintiff. The defendant pleaded, *nil debet per legem;* and upon that the plaintiff demurred in law, and the question was, whether the defendant might wage his law.' This is Winch's statement of the case, very imperfect to be sure, but by which it appears to have been the case of a bill of exchange drawn for money received of the payee, by the agent of a factor of an English partnership on the company, and accepted by one of the partners, and upon that acceptance, the suit was brought against the defendant, who was one of the partners. Now the first thing, that strikes us is, that so little did the common law recognise the custom of merchants, that it was necessary to set it forth specially in the declaration, so that it might appear how the custom bound the party; and the court might decide, whether it was good or not. After the argument, Lord Chief Justice Hobart is reported to have delivered his opinion as follows. 'If the bailiff at the common law make a substitute, the substitute is not chargeable, but here the custom will bind the law. Secondly, he said two or three merchants trade over the sea, who made a factor there, who takes money there, and gives a bill and this is subscribed by one of the company; that this should bind all or any of the company *is not a good custom;* and the custom of merchants is part of the common law of this realm, of which the judges ought to take notice; and if any doubt arise to them about their custom, they may send for the merchants to know their custom, as they may send for the civilians to know their law; and he thought the defendant ought to be admitted to wage his law.' Now, independently of the objection, that if the defendant were admitted to wage his law, that is to say, discharge himself from the debt by taking his oath, that he did not owe it, which of itself would almost extinguish the negotiability of bills, it would sound very odd at this day to hear any such doctrine assumed, as that respecting the badness of the custom. It is now the plain mercantile law, as it always was common sense, that the acts of a factor within the scope of his authority, whether done by himself or his substitute, bind the partnership, for which he acts; and the acts of a partner in the partnership

business in like manner bind the whole. Such was at that period, as it should seem, the custom of merchants; but it was strange to the common lawyers, and seems to have harmonised very little with the notions of the court. Yet Lord Hobart was an eminent judge; and we are to attribute his views, not to a want of sagacity, but to a steady adherence to the rigid doctrines of the common law, as to bailiffs and customs, to which the old lawyers clung with a pertinacious idolatry. The truth is, that these gentlemen were from habit and professional feeling wedded to the artificial notions of the old system, and strenuously resisted almost every innovation upon it both in Parliament and out; and every advance made in adopting the custom of merchants, until the days of Lord Mansfield, was a victory gained by the spirit of the age and the influence of commerce over professional prejudices.

And this leads us to say a few words upon the actual administration of insurance law during the days of Lord Mansfield, and of the improvements made by him. We do not know, that it can be done with more brevity than by quoting an extract from Mr Park.

'In former times,' says he, 'the whole of the case was left generally to the jury,* without any minute statement from the bench of the principles of law, on which insurances were established; and as the verdicts were general, it was almost impossible to determine from the reports we now see, upon what grounds the case was decided. Nay, even if a doubt arose in point of law, and a case was reserved upon that doubt, *it was afterwards argued in private at the chambers of the judge, who tried the cause, and by his single decision the parties were bound.* Thus whatever his opinion might be, it was never promulgated to the world, and could never be the rule of decision in any future case. Lord Mansfield introduced a different mode of proceeding; for in his statement of the case to the jury, he enlarged upon the rules and principles of law as applicable to that case, and left it to them to make the application of those principles to the facts in evidence before them. So that if a general verdict were given, the ground on which the jury proceeded, might be more easily ascertained. Besides, if any real difficulty occurred in point of law, his lordship advised the counsel to consent to a special case, &c. &c. These cases are afterwards argued, *not before the judge in private*, but in *open court*, before *all the judges* of the bench, from which the record comes. Thus nice and important questions are now not

* Very much as it used to be within our early recollection in the courts of Massachusetts.

hastily and unadvisedly decided; but the parties have their case seriously considered and debated by the whole court; the decision becomes notorious to the world; it is recorded for a precedent of law arising from the facts found, and serves as a rule to guide the opinion of future judges.'

The commendation of Lord Mansfield, which this extract implies, falls very far short of his real merits. The change in the course of proceedings did much; but the genius, liberality, and extensive learning of this extraordinary man gave a new and enduring vigor to the system itself. He may be truly said to have created the commercial law of England; and during his long, active, and splendid life, it attained a maturity and perfection, which perhaps no other nation can boast, and which will transmit his name to posterity as one of the greatest benefactors of jurisprudence. The achievement was not indeed the result of his own unassisted mind. He read extensively the maritime laws of foreign countries, and with an admirable mixture of boldness, discretion, and sagacity, infused all its most valuable principles into the municipal code of England. At the distance of half a century one looks back with wonder and surprise upon the labors of this single judge. His successors have here and there added some pillars to the edifice; but the plan, the proportions, the ornaments, the substructions, all that is solid and fundamental, and attractive, belong to him, as the original architect. Standing in the temple of commercial law, the most sober jurist, while contemplating Lord Mansfield's labors, might with enthusiasm exclaim, *Si monumentum quæris, circumspice.* Dropping, however, figurative language, we may with plain gravity venture to suggest a doubt, whether the deviations from his doctrines, introduced by his successors, have not been inconvenient in practice and mischievous in principle. They partake too much of the subtleties and technical refinements of the common law, and stand little upon general reasoning, and those analogies, which equity and a comprehensive view of the business of commerce would commend for adoption. Lord Kenyon was an honest, intelligent, and learned magistrate; but from habit and education, and perhaps original cast of mind, he does not seem ever to have entered into the true spirit of commercial jurisprudence. He took no comprehensive principles in his range, and contented himself by administering the maritime law, as he

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found it, without any ambition to extend its boundaries. Lord Ellenborough possessed a more powerful and vigorous mind. But his early reading beyond the walks of the common law does not seem to have been very extensive; and he manifests on many occasions a desire to bring down the maritime doctrines to the standard of the common law, rather than to give to the latter the expansion of universal jurisprudence. He was certainly a great judge, of a clear, decisive, and rapid mind, but devoted to England, and feeling little enthusiasm and less curiosity to embark in foreign studies. The times too, in which he lived, were not propitious to any extensive researches into continental jurisprudence. They were times of deep political and national struggles, when the spirit of war and conquest attempted to overturn the established doctrines of public law; and those who clung to old institutions felt, that resistance to innovation was safety, and that dangers lurked in ambush under the cover of general principles. Fortunate will it be, however, for England, if in the present peaceful times there shall be found a successor of Lord Mansfield, who breathes his liberal spirit, and fills up his splendid outline of principles.

It cannot, however, be disguised, that there is a national pride and loftiness of pretension occasionally mixed up in the character of Englishmen, which lead them, especially as public men, to look down, sometimes with contempt, but more generally with indifference, upon the usages, laws, and institutions of other countries. *Nil admirari* is not always a safe or useful national motto. The English bar is not exempt from this infirmity, and betrays it sometimes, when it would be more honorable to seek instruction from foreign sources. It is curious to observe, how little of foreign jurisprudence is brought into the discussions of their courts of common law (for it is far otherwise in their admiralty and civil law courts) upon topics, which seem most powerfully to demand its introduction. Even upon questions of the operation of the Lex Loci, how rarely has continental or even Scotch jurisprudence been cited with effect in these tribunals. Ireland is separated but by a narrow strait. Her jurisprudence is in substance that of England. Her most distinguished lawyers and judges have been bred in the English inns of court. In eloquence, in learning, in general ability, they are inferior to few in the

United Kingdom. Yet who ever heard the citation in an English court of an Irish decision? With the exception of a few of Lord Redesdale's, which probably owe their admittance into English society from his elevated rank in the House of Lords, we scarcely recollect any in the course of our reading. Why should they not be cited? Was Sir John Mitford, when he wrote his excellent treatise on Equity Pleadings, or held the office of Attorney General of England, superior to Lord Redesdale, when he held the seals of Ireland? Is Lord Manners less distinguished as an Irish Chancellor, than when he filled the office of a Baron of the English Exchequer?

Perhaps it may be suggested as an apology, that the English law is of itself so vast a field, that it can scarcely be mastered, and it is unnecessary to attempt any foreign conquests; that the decisions of English judges are alone of authority, and it is unwise and impolitic to open wider inquiries, which would perplex and obstruct the already darkened and crowded avenues of professional studies. There is something plausible in such a suggestion; but it vanishes on a close examination of the subject. If the English common law were perfect in itself, and were susceptible of no improvement, it might justly refuse any foreign admixture. But no one would be so rash as to advance a pretension of this sort. The common law is gradually changing its old channels and wearing new. It has continual accessions on some sides, and in others leaves behind vast accumulations, which now serve little other purpose than to show, what were its former boundaries. What have become of the feudal tenures and the thousand questions of right and might, which formerly came home, not merely to the lords of the manors, but to every thatched cottage of the kingdom? What have become of real actions with all the complicated apparatus of proceedings, with which they so much perplexed, not to say confounded, and overwhelmed the profession? More than sixty years ago we were told, in the celebrated judgment of Taylor *v.* Horde, that the precise definition of what constituted a disseisin, was not then known and could not be traced in the books. And yet almost all the contests of the old law were upon questions, in which the law of disseisins was a material ingredient. What have become of the nice and curious distinctions in respect to uses

and trusts, which in Lord Coke's time and in earlier periods exercised all the ingenuity of the profession? In a *practical* sense they have almost disappeared, or are felt to be of little value, since the courts of equity have exerted their most salutary jurisdiction over this vast field of litigation. Where in the old law shall we find principles to adjust the innumerable questions arising in bankruptcy? Where shall we look for the doctrine of liens, of stoppage in transitu, of marshalling assets, of the execution of charities, in short, of the mass of business in which modern legal and equitable jurisdiction is employed? It is obvious, that the law must fashion itself to the wants, and in some sort, to the spirit of the age. Its stubborn rules, if they are not broken down, must bend to the demands of society. A mere written code must forever be inadequate to the business of a nation increasing in wealth and commerce, and connecting itself with the interests of all the world. A customary law, adopted in rude and barbarous times, must melt away or mix itself with the new materials of more refined ages. Human transactions are dividing and subdividing themselves into such innumerable varieties, that they cannot be adjusted or bounded by any written or positive legislation. The law, to be rational and practicable, must, as was finely said by Lord Ellenborough of the rules of evidence, expand with the exigencies of society. As new cases arise, they must be governed by new principles; and though we may not remove ancient landmarks, we must put down new ones, when the old are not safe guides, and no longer indicate the travelled road, or mark the busy shifting channels of commerce.

It is most manifest, therefore, that the English law, working, as it does, into the business of a nation crowded with commerce and manufactures, must forever be in search of equitable principles to be applied to the new combinations of circumstances, which are daily springing up to perplex its courts. In adopting new rules it is indispensable to look to public convenience, mutual equities, the course of trade, and even foreign intercourse. It is plain, that in such inquiries, the customary and positive law of foreign countries, as the result of extensive experience, must be of very great utility. No nation can be so vain as to imagine, that she possesses all wisdom and all excellence. No civilised nation is so humble

that her usages, laws, and regulations do not present many things for instruction, and some for imitation. In respect to the general principles of jurisprudence, those which are applicable to the ordinary concerns of human life in all countries, and ought to be law in all, because they are founded in common sense and common justice, it is undeniable, that much light may arise from the investigations of foreign jurists. Genius and learning can never fail to illustrate the principles of universal law, even when the primary object is merely to expound municipal institutions. The Dutch, the German, the Italian, the Spanish, or the French civilian is not less a master of equity and rational jurisprudence, when he deals with the Roman law, colored, and it may be shaded, by his own local customs and ordinances, than the lord Chancellor on the woolsack, enforcing trusts in *foro conscientiæ*, or the lord Chief Justice, when expounding commercial contracts at the Guildhall of London. The truth is, that the common law, however reluctant it may be to make the acknowledgment, and however boastful it may be of its own perfection, owes to the civil law and its elegant and indefatigable commentators, (as has been already hinted,) almost all its valuable doctrines and expositions of the law of contract. The very action of assumpsit, in its modern refinements, breathes the spirit of its origin. It is altogether Roman and Pretorian. And there never has been a period, in which the common lawyers, with all their hostility to the civil law, have not been compelled to borrow its precepts. The early work of Bracton shews how solicitous some of the sages were, even in that rude age, to infuse into their own code some of that masculine sense, which found favor in the days of Justinian.

What, indeed, should we think, in the present times, of men, who affect to be indifferent to the writings of such authors as D'Aguesseau, Domat, Valin, Pothier, and Emerigon? Mr Duponceau in his late excellent Dissertation on the Jurisdiction of the Courts of the United States,—a work that should be profoundly studied by all American lawyers,—has said, that the works of Pothier were warmly recommended by Sir William Jones to his countrymen, '*but without success.*' We hope his language is too strong. That such a writer as Pothier should be neglected by Englishmen, would be a disgrace to the learning and literature of the nation.

Who has written with so much purity of principle, such sound sense, such exact judgment, such practical propriety on all the leading divisions of contracts? Who has treated the whole subject of maritime law so fully, so profoundly, so truly with a view to its equity and advancement, as Valin? Who has equalled Emerigon as a theoretical and practical writer on the law of insurance? He has exhausted every topic so far as materials were within his reach; and upon all new questions his work, for illustration, and authorities, and usages, is still unrivalled.

We think, indeed, that we perceive the dawn of a brighter age in the English law, when the foreign lights, which have been slowly and by stealth admitted into Westminster Hall, will be hailed with a liberal spirit, and will irradiate its bar and benches. Mr Joy, in the case of M'Iver *v.* Henderson, (4 M. and S. 576,) and Mr Campbell and Mr Bosanquet in the case of Bush *v.* the Royal Exchange Insurance Company, (2 Barn. and Ald. 72.) shewed a familiar acquaintance with the foreign maritime jurists, and argued with great effect from their authority; and on a comparatively recent occasion, (5 M. and S. 436.) when Emerigon was cited, Lord Ellenborough said, 'Emerigon, whose name has been so frequently mentioned in the course of the argument, is entitled to all the respect, which is due to a very learned writer, discussing a subject with great ability, diligence, and learning, and adverting to all the authorities relating to it.' Mr Justice Bailey and Mr Justice Best, who are judges of uncommon ability, have repeatedly of late adverted to the French maritime authors with discriminating accuracy, and in terms of the most unreserved respect. We consider these indications of a liberal study of foreign jurisprudence, as extremely creditable to this age of the common law, and augur from them, for the future, a far more expanded view of commercial questions, than has usually been encouraged since the days of Lord Mansfield.

If we were disposed to recommend the study of public and foreign law to common lawyers, we do not know how we could better do it, than by pointing out some illustrious examples of its successful accomplishment in our own age. Sir James M'Intosh, of late years so distinguished in Parliament as a friend to liberty, to science, and liberal institutions, and who is at the same time a most humane and philosophical

jurist, has in his incomparable introductory Discourse to his Lectures on the Law of Nations, given us a finished specimen of the advantages resulting from the mastery of foreign public writers. It would, perhaps, be difficult to select from the whole mass of modern literature, a discourse of equal length, which is so just and beautiful, so accurate and profound, so captivating and enlightening, so enriched with the refinements of modern learning, and the simple grandeur of ancient principles. It should be read by every student for instruction and purity of sentiment, and by lawyers of graver years to refresh their souls with inquiries, which may elevate them above the narrow influences of a dry and hardening practice.

But a still more striking example is Lord Stowell, (better known in this country as Sir William Scott,) the present venerable Judge of the High Court of Admiralty, of whom it may be justly said, in the language of Cicero, that he is *jurisperitorum eloquentissimus*. This great man has presided in the Court of Admiralty since the year 1798; and during this period he has commanded the admiration of all Europe by the learning, acuteness, and finished elegance of his judgments. There was a time, when it was somewhat the fashion in this country to undervalue the solid excellence of his opinions. Our commerce was brought so directly in conflict with his administration of prize law, that it was difficult to avoid prejudices on a subject, in which, as neutrals, we had so deep an interest, and were so liable to indulge strong animosities. But time has dissipated many delusions on this subject; and we have had in the late war ample opportunity to try the accuracy of his principles, when we changed the character of neutrals for that of belligerents. We can now look back upon his decisions with somewhat of the calmness and sobriety of a philosophical historian. With the exception of the doctrines respecting the colonial trade, in which it is but common justice to admit, that he either acted upon public Orders in Council, which he was bound to obey, or upon the Rule of 1756, which his government had previously chosen to consider as an established part of its prize code, the differences between his decisions upon prize law, and those promulgated by the Supreme Court of the United States, are so few, as to be almost evanescent. After the most powerful arguments

under the highest political excitements, and with the aid of the most striking eloquence, there has been but a single principle adopted by him, which has been deliberately overruled by the Supreme Court; and on that occasion there was a serious difference of opinion among the Judges.

But it is not in respect to prize law, that we intend to speak of Lord Stowell, though he everywhere exhibits the most profound and accurate knowledge of all the publicists of continental Europe; but as a maritime judge, deciding, in what is called the Instance Court, the great principles of commercial jurisprudence. His superiority in this department over the technical reasoning of the common lawyers is most signal. He discusses every question with a persuasive and comprehensive liberality, with a tone of general equity, a knowledge of maritime usages, and a disposition to consider maritime jurisprudence, as the unwritten law of the world, rather than the municipal monopoly of a single nation; and he draws from all sources, ancient and modern, the best and purest principles to aid, to illustrate, and to confirm his own judgment. With him the grave learning of Grotius, the acute, bold, and somewhat vehement discussions of Bynkershoek, the reverend testimonies of the Consolato del Mare, the collections of Cleirac, the busy, practical sense of Roccus, the brief but clear text of Heineccius, the various and exhausting labors of Casaregis, the argumentative commentaries, and luminous treatises of the French jurists, appear as perfectly familiar, as the writers of his own age and country. He evidently reposes upon them, even when he does not cite them; and transfuses into his own eloquent and impressive judgments, whatever they afford of general doctrine, or just interpretation, upon all the doubtful questions of maritime law. One scarcely knows which most to admire, the simplicity of his principles, the classical beauty of his diction, the calm and dispassionate spirit of his inquiries, his critical but candid estimate of evidence, his strong love of equity, his deep indignation of fraud, chastened by habitual moderation, or that pervading common sense, which looks into, and feels, and acts upon the business of life with a discriminating, but indulgent eye, content to administer practical good without ostentation, and wasting nothing upon speculations, whose origin is enthusiasm, and whose end is uncertainty or mischief. Even

when he deals with subjects of another class, as in ecclesiastical causes in the Consistory Court, one is surprised to see with what admirable propriety he uses his knowledge of general jurisprudence and the civil law, to give vigor to his decrees. And upon questions involving the *lex loci*, he has triumphantly shown, that he can master the results of foreign jurisprudence, and, as in the very interesting case of Dalrymple *v.* Dalrymple, compose the strifes of the learned advocates of the Scottish bar, and fix forever upon an immovable basis a question, which had vexed the domestic forum of Scotland for a long period with its doubts and difficulties. We say, without hesitation, that the character of this eminent Judge, whatever may have been his original genius and ability, owes its present elevation, in a great measure, to his enlarged studies, and his cultivation of universal jurisprudence. Take, for instance, his celebrated judgment in the case of the Gratitudine in 1801, on the right of the master to hypothecate the cargo, as well as the ship and freight, for the necessities of the voyage; or the case of the Julianna in 1822, on the invalidity of a stipulation in the shipping paper to cut off the seamen from wages, unless the voyage was performed to the final port of destination; where shall we find in the annals of the common law, except among the judgments of Lord Mansfield, cases argued out upon such rational and enlightened principles, aided by sober and various learning, and ending in conclusions so irresistible? One seems in them to be reading, not the law of England merely, but the law of the world—the results of human reason and human learning, acting on human concerns, with reference to principles absolutely universal in their justice and convenience of application. We wish American lawyers would study the fine models of this sagacious Judge, with a diligence proportionate to their importance and utility.

We cannot quit this subject, without recommending to our brethren of the English bar, if perchance these pages should attract their notice, the study of American jurisprudence. Of course we do not mean of our local laws and peculiar systems, for we should as little advise this, as we should to our own lawyers, the study of the English law of tythes and moduses, and copy holds, from which we are separated *toto cœlo*. What we do recommend is the study of our commercial ad-

judications. This is not said, we hope they will believe, from vanity, under a false estimate of our own attainments. American lawyers are in the constant habit of reading all the English Reports; and it would be worse than affectation to attempt to disguise, that we are greatly instructed and improved by them. They present to us the fruits of great experience, industry, intelligence, and ability. But we 'also are painters.' The American Courts, collectively considered, embrace a large proportion of talent and learning, and they are perpetually engaged in many of the discussions, which perplex the English tribunals. Of course, there is a great diversity in the attainments of the judges and lawyers in the different States composing the Union, arising from local circumstances. But in the principal Atlantic States, the system of maritime law is of daily application to business, and is studied with earnest diligence.

In one respect there is a striking contrast between the state of the English and that of the American bar. In England, the profession is broken up into distinct classes. The civilians engross, exclusively, the admiralty and ecclesiastical courts, and even these are separated into proctors and advocates. The Chancery Courts have their own solicitors and counsellors. The barristers and serjeants of the common law generally confine themselves to the practice of their own particular courts. The attorney is a being, who deals with processes and proceedings in suits, but is shut out from the rights of arguing counsel. The conveyancer pours over his own peculiar studies for chamber practice; and the special pleader, if he wins his way to a lucrative practice, sits under the bar a quiet spectator of forensic disputations, unless the niceties of his own craft come into play. In America all this is different. The same gentleman acts, or may act, (with scarcely an exception,) in all these different capacities; and in the course of a single term of a court may assume many of the functions of all of them. He is, or may be, at once, proctor, advocate, solicitor, attorney, conveyancer, and pleader; he may draw libels and bills, frame pleas and answers, direct process, prepare briefs, sketch drafts of conveyances, argue questions of fact to the jury, and questions of law to the court; and find himself quite at home in all these various employments. If it should be thought, that this singleness of occu-

pation and subdivision of labor give to the English lawyer more accuracy, minute knowledge, and perfect facility in the use of his materials, they carry with them on the other hand some disadvantages. The general tendency of such close pursuits is to narrow down the mind to mere technical rules; to exhaust its powers upon subtle distinctions and dull details; to make professional life an affair of collections and recollections; to create an acute and nice discrimination, rather than a solid and comprehensive understanding. What is gained by skill in the manipulation, is lost in the vigor of the blow.

The course of the American lawyer does not, it must be confessed, generally lead to such exact inquiries, and such perfect finish, although there have been eminent examples to the contrary. But a survey of the whole structure of the law conducts him to large and elevated views, to brilliant and successful illustrations, to reasonings from various contrasts and analogies of the law, and to those generalisations, which invigorate eloquence, and shadow out the finer forms of thought. His learning must be deep, and various, even if it is not in all respects exact; and will be tinctured with the hues of all his studies. His law silently acquires the tone and spirit of equity; and his commercial discussions urge him to search for and adopt in argument, whatever of excellence the genius and erudition of foreign jurists have brought to his notice. He knows too, that in the American courts there is no disposition to discourage the study of foreign jurisprudence. There is a freedom from restraint, and an habitual eagerness to expand our law, which favor every attempt to build up commercial doctrines upon the most liberal foundation. We do not mean to affirm, that American lawyers in general cultivate such extensive studies, or are distinguished by such elevated attainments. What we mean to assert is, that the general tendency of our system is to excite an ambition for such studies and attainments, and that the genius of the profession is perpetually attracted in its researches and reasonings to those general principles, which constitute the philosophy of the law. We could point out living models, who exemplify all, that we have suggested in commendation of the American system; and among the illustrious dead within our own brief career, we fear no rebuke in naming Hamilton, Dexter, Pinkney, and Wells. But it is unnecessary to trust to as-

sertion. The records are before us and can be searched. Look to the judgments of the Supreme Courts in the States of Pennsylvania, New York, and Massachusetts, upon questions of maritime and commercial law, as they stand in the reports of Messrs Tyng, Binney, Johnson, and Sergeant, and Rawle. It is impossible not to feel, that the arguments in these causes and the judgments, which followed them, would do credit to the tribunals of any country. They are full of learning, fine reasoning, acute distinctions and solid principles, such as might well guide the sober sense of Westminster Hall, and cast a strong light upon its oracles. Look to the Chancery decisions of New York. Where shall we find in our times a more thorough mastery of the civil and maritime, of the common and equity law, where a more untiring research, a more critical exactness, a more philosophical spirit, than is displayed in the elaborate arguments of her late Chancellor ?

We think, therefore, that in recommending the labors of the American lawyers and judges to the attention of English lawyers, we do them a service, by which they may greatly profit ; and in this manner we may make a suitable return for the many aids, which America received from the parent country, when her own jurisprudence was loose, unformed, and provincial.

The progress indeed, that has been made in America, in the knowledge and administration of commercial law, since the revolution, is very extraordinary ; and in no branch more striking than in that of Insurance. Before that event, policies of insurance were of rare use among us. Our intercourse with the mother country was so direct and so dependent, that most of the important risks were underwritten in London, through the instrumentality of agents. Our printed reports do not reach far back beyond the revolutionary period ; but the manuscripts we have seen, and the absence of references to cases in the arguments, even of ante-revolutionary lawyers, establish to the satisfaction of all accurate observers, that the subject was new to the studies of the bar. The earliest, and indeed the only case we recollect in any of our books, before the Declaration of Independence, is that of Story and Wharton *v.* Strettell, in 1764, reported by Mr Dallas in the first volume of his Reports. It was not until the French revolution, by

opening new and extensive sources of profitable trade, gave an impulse to our maritime enterprise, that the contract struggled into notice from a state of languor, and became common in our commercial cities. It immediately advanced with almost inconceivable rapidity, and became so profitable, that it may truly be said to have laid the foundation of many fortunes in our country. The profession soon felt the necessity of an entire mastery of the subject, and applied itself with a most commendable diligence to the study of all the English and other foreign authorities. And within the last thirty years, probably, as large a number of cases of insurance have been contested and decided in the American courts, upon points of difficulty and extensive application, as in the courts of England in the same period. We do not hesitate to assert, that these cases have been argued with as much learning and ability, and with as comprehensive a view of the true principles of the contract, as any in the brightest days of the English law. And we are greatly deceived, if, upon a general examination, they will not be found by English lawyers and judges to be full of useful instruction, and worthy of their deliberate study. Many of them discuss questions arising from the complicated state of our commerce, as a neutral nation, which have not as yet undergone any adjudication in the English courts.

We will close this topic with a very short historical sketch of the principal modern English treatises on insurance. We pass over at once without any particular notice, the remarks on the subject contained in the work on Bills of Exchange and Insurance ascribed to Mr Cunningham, and in Mr Parker's Laws of shipping and insurance, as they were so imperfect as to have sunk into obscurity. Mr Weskett's book is a mere collection, in the form of a dictionary of all the heads of maritime law, and contains little more than an index to foreign ordinances and usages. The title, Insurance, in the collections of Postlethwayte and Beawes are of the same character. The first treatises, correctly speaking, are those of Mr Millar, a Scotch advocate, and Mr Park, (now Mr Justice Park of the Common Pleas,) both published in the year 1787. Mr Millar's work is certainly creditable to his talents and industry, and exhibits considerable research and habits of observation. It has not, how-

ever, received a great share of public favor, nor, as we believe, reached a second edition, probably, because it has been superseded in practice by the very superior treatise of his rival, both in method and materials. Mr Park, indeed, deserves much praise for the judgment, accuracy, and general excellence of his system of the Law of Insurance. The best testimony of its value is the continued approbation of the profession, which has already carried it through seven large editions. As a collection of authentic cases in the fullest and most accurate form, it still remains unrivalled. Although it professes to be principally 'a collection of cases and judicial opinions,' the learned author occasionally discusses general principles with a good deal of ability. In 1802 Mr Serjeant Marshall published his Treatise on the Law of Insurance, and again in 1808 published a second and improved edition. His work professes to be, not like Mr Park's, a collection of cases, but an examination and collection of principles. It is certainly a work of high merit, analysing and criticising the cases with great acuteness and vigor; and citing the foreign authorities, with which the learned author appears familiar, with a creditable liberality. Whenever he ventures to give his own comments, they indicate perspicacity and closeness of observation. But after all, the work seems to promise more than it performs. It contains little of doctrine or discussion, beyond what the English decisions exact or furnish. We look in vain for any attempt to extend the boundaries of the law beyond actual adjudications, and for any satisfactory argument upon topics, which yet remain unsettled by the courts. And a great defect, in the work, as indeed in all others—a defect, which has been but imperfectly supplied by the late treatise of Mr Stevens, is the want of a *practical* treatise upon averages and the adjustment of losses. We believe, that the learned author is now dead, so that there is little probability, that the work will be rendered more complete.

But whatever may be the value of the English treatises on insurance, it is most obvious, that they are inadequate to supply the necessities of the American Bar. They embrace no cisatlantic decisions; and every work for our use, which does not contain them, is infected with a fatal infirmity. From what has been already suggested, it is

clear, that the actual administration of commercial jurisprudence in our own courts must, for argument, for authority, and for practice, be far more important to us, than any foreign opinions ever can be. In respect to insurance, although the law in most commercial states rests on the same basis of general principles, these principles admit of considerable diversity of judgment in their application, and are often controlled by the known policy or ordinances of each particular government. This is so true, that there are probably no two civilised nations, in which the law of insurance is exactly the same in all its outlines and details. Although our own law of Insurance professes to be, and in fact is, the same in its general structure and principles as that of England, yet without any statuteable provisions, we already find many conclusions embodied in it, which are at variance with those of Westminster Hall. In some of these cases the English decisions may be more just and satisfactory than our own. In others we have no hesitation in declaring the American more solid, rational, and convenient. If it would not lead us into too prolix a discussion, we should incline to enter on the task of enumerating the leading differences, in order to enable the profession to form an exact judgment on the subject. But we must pass from these topics, and hasten to the close of an article already extended far beyond the limits, which we had originally intended. We will just mention, however, the point, that the right of abandonment depends upon the state of the fact at the time, when it is actually made, and when once legally exercised, it is not divested by any subsequent change of the facts, as one, in which we differ from English Courts; and we are entirely satisfied, that our rule has the justest foundation in principle as well as policy. The same conclusion has been more than once intimated by the great mind of Lord Chancellor Eldon.

From what has been said, our opinion may be readily conjectured, as to the indispensable necessity of a new treatise on insurance, for the use of American lawyers; and Mr Phillips has done a most acceptable service to the profession by the publication of that, the title of which stands at the head of this article. One of two courses only could be pursued; either to republish the best English work, and append the American decisions in the shape of perpetual notes, which would have form-

ed a very inconvenient and bulky commentary, not easily reducible to specific heads; or to recast the whole materials, and produce a new work, which should contain in one text the mass of English and American authority. Mr Phillips has chosen the latter course, and in our opinion, with great sagacity and sound judgment; and he has executed his task in a manner, which will obtain the general confidence and respect of the profession. His work is arranged in a very lucid method, and embodies in an accurate form, the whole system of the law of insurance, as it is actually administered in the courts of England and America. It is eminently practical and compendious, at the same time that it is full of information. Wherever he has introduced any comments of his own, of which he has been somewhat too sparing, he has shown sound sense, and a liberal juridical spirit. In respect to America, his work will probably supersede altogether the use of Mr Marshall's; but Mr Park's, as the fullest repertory of all the cases, will continue to retain the public favor. The labor of such a compilation must unavoidably have been great, and required the most patient research and various study. The author, as a scholar, a gentleman, and a lawyer, has now put himself before the public and the profession for their patronage of his labors; and we are satisfied, that he will not be disappointed in the result. He need not blush for his authorship, nor fear the scrutiny of dispassionate criticism. His work has a solid character, and will sustain itself the better, the more it is examined. In a modest and well written preface he has expounded his design and method, and we extract from it the following remarks, which we think are characterised by a sobriety of judgment, and justness of thought, that cannot fail to insure general commendation.

'When the inquiry does not relate to the probable decision of any one tribunal, different persons must necessarily adopt different modes of determining what is law. If a person supposes himself not to be skilful and well informed, in regard to the subject under consideration, he can only adopt the opinion of the judge or writer, whose judgment he thinks it the most safe to follow. He must decide upon authority merely, and be implicitly guided by the opinions of those men whom he supposes to have had the best means, and to have been the most capable, of judging, and to have formed their opinions the most deliberately, and after the most thorough investigation. In proportion as a person considers himself skilful

and competent to judge, he is the less determined by mere authority. But very few persons consider themselves to be so perfectly masters of any branch of legal science, as to throw off all restraint of authority; and those who are, with good reason, the most confident of their skill and knowledge, are usually, in forming their opinions, influenced, more or less, by authority, according to the particular subject of inquiry. In most cases it is necessary to take into consideration what has been practised and decided, since the mere fact, that a thing has been decided or practised in a certain manner, is, in itself, a reason of greater or less weight, for continuing the same practice, or adhering to the established doctrine.

'In many branches of the law, precedent, as such, and independently of the reasons upon which it was formed, is entitled to great respect, and is not unfrequently conclusive of the law. But where a decision or opinion rests upon a certain principle, the applications of which, in different instances, must be consistent and also conformable to other acknowledged principles; precedent has less weight. Concurrent decisions, however numerous they may be, cannot establish a conclusion, which is drawn from insufficient premises; or cause inconsistent propositions to be law. A very great part of the law of insurance consists of deductions from certain principles, which constitute a science, in regard to which, mere precedent cannot have very great influence, since deductions inaccurately made, lead to contradictions and inconsistencies, which no authority can vindicate. In some branches of this subject, precedent is of authority and weight, but the great part of the doctrines comprehended in this science, must stand exclusively upon the reasons and fixed principles, from which they are inferred. The inferences, which may be clearly drawn from those principles, are not made to be law, and cannot cease to be law, in consequence of any number of decisions, by whatever authority they may be supported. Notwithstanding a diversity of opinions and judgments, those doctrines still remain the unvarying and unalterable law, and they need but to be presented with the reasons on which they depend, to receive the assent of a mind, which is capable of perceiving their mutual connexion and dependency. No branch of law can more properly be denominated a science, than insurance; and since this contract is substantially the same in different countries, and continues to be the same now that it was formerly, the decisions of courts, whether ancient or modern, and the opinions and reasonings of writers, whether American, English, Italian, or French, are equally applicable to it.'

Of a work confessedly professional, it cannot be expected, that we should enter upon a minute review, for the purpose of detecting slight faults, or contesting particular opinions.

The task would be irksome to ourselves, and so heavy and technical, as to afford very little satisfaction to our readers. It is impossible to include in a single volume the opposite qualities of brevity and copiousness, a condensed summary of principles, and an elaborate discussion of the minute details and distinctions of cases. Whoever writes a mere practical treatise, must leave much matter worthy of observation to more exhausting authors. In this age, books to be read must be succinct, and direct to their purpose. The business of commercial life will not stop, while lawyers plunge into folios of a thousand pages, to ascertain a possible shade of distinction in the construction of contracts. If, therefore, there should be any persons disposed to think, that cases and comments should have been given more at large, the true answer is, that such was not Mr Phillips's plan; and that his work is to be judged of, not by its adaptation to other purposes, but by its actual execution of his own design. In this respect it has our hearty approbation, and we sincerely recommend it to all, who are interested in commercial jurisprudence, as merchants, lawyers, and judges. We think, however, that, in a future edition, Mr Phillips will do well to enrich his work with extracts from Valin, Emerigon, and Pothier, upon points, which have not yet received any adjudication, and occasionally to introduce some of their speculative reasonings. We should be glad also to have more full practical information, upon the adjustment of averages and losses, and the items, which are to be admitted or rejected, having had occasion to know, that nothing is more various, uncertain and anomalous, than the modes of settling losses in different insurance offices. Even in the same office, a departure from the principle assumed, as to one subject of insurance, is not uncommon as to another, upon some fanciful notion of its inapplicability. The form of Mr Phillips's Index also might be advantageously changed, so as to make it more easy for consultation, by the use of a larger type, and breaking it up into more paragraphs, with short subordinate titles.

ART. III.—*Notes on Mexico made in the Autumn of* 1822; *accompanied by a Historical Sketch of the Revolution, and Translations of Official Reports on the Present State of the Country; with a Map.* By A CITIZEN OF THE UNITED STATES. 8vo. pp. 352. Philadelphia. Carey & Lea. 1824.

THE author of this volume is understood to be Mr Poinsett, representative in Congress from South Carolina, well known both for his services as a legislator in the national counsels, and for the generous zeal with which he has for many years embraced and supported the cause of South American emancipation. His residence in Chile thirteen years ago, at the dawn of the revolution in that country, as accredited agent of the government of the United States, gave him an opportunity of learning from personal observation the innumerable evils inflicted on the people by the oppressive policy of Old Spain, the causes which roused among them the spirit of resistance, and the tone of feeling and opinion naturally growing out of their situation. His Report to the Secretary of State, which was drawn up and laid before Congress in the year 1818, affords abundant proofs of his vigilance in watching the progress of events, and his industry in collecting information; and, if rumor has told truth, he was not an idle spectator of the scenes that were passing around him.

With these advantages no man was better qualified, probably, than Mr Poinsett, for undertaking the tour of observation and inquiry, the particulars of which are recorded in the work before us. At the present crisis this book is a valuable acquisition to the slender stock of knowledge, which exists in the United States on the subject of Mexico, a country becoming every day clothed with new and increasing interest, and which promises at no distant period to hold an eminent rank among the nations of the earth. The prospects of Mexico were certainly never so good as at this moment. The internal dissensions, which have thrown perpetual and serious obstacles in the way of reform, seem of late to have been subsiding, and a fair hope may now be entertained, that the pillars of government will be erected on a basis, which no future convulsion will demolish, however it may be unsettled or weakened by temporary agitations. The fate of

Iturbide, as just in itself, as it was propitious to the cause of Mexican independence, has relieved the friends of liberty from the chief grounds of alarm, which they have felt in contemplating the civil and political condition of Mexico. An act of the government itself, also, which was passed on the 28th of June last, recognising the whole amount of debts contracted by all the preceding governments, not omitting that under the Viceroys, exhibits a good indication of growing solidity and strength, at the same time it inspires confidence and respect. In short, from the day that the tyranny of the mock Emperor ceased, there has been an evident and substantial improvement in the political condition and prospects of that country.

The present *federal system* of government, instituted in imitation of the United States, is an experiment. Its success is quite uncertain, and on the whole it may possibly be considered as rather an unfortunate step at so early a stage. The affairs of Venezuela, before the union, went on but very indifferently under this system. The change is probably too great, from such a despotism as has brooded over the South American colonies for three centuries, to so high a degree of freedom as must necessarily be enjoyed under a system of separate, independent confederacies, bound together only by the loose chain of common interest. The Colombians have thought so, at least, and adopted what they call the *central* form of government, allowing to its fullest latitude the electoral franchise, but concentrating all the legislative powers of government into the hands of a body composed of national representatives. This scheme was eloquently and strongly recommended by Bolivar, in his celebrated address to the Congress of Venezuela, the principles of which are incorporated into the new constitution, now the basis of the Colombian Republic. He acknowledges the superior excellency of the federal plan, however, when the condition of the people will admit of its being carried fully into effect; and it is one which may at any time be engrafted into the central system of Colombia. In alluding to the former constitution of Venezuela, he considers it a 'miracle that its model in North America has existed with so much prosperity,' a remark, which he would have been less likely to make, had he looked deeply into the history and character of the inhabitants of the United States.

It has been fortunate for Colombia, that her ablest statesmen and firmest patriots have been united in their views of the present form of government. The constitution was adopted with great unanimity, and seems to have been administered with an extraordinary degree of harmony, even in the perilous times of change, and with the burden of a heavy war resting on the nation. Mr Salazar, Minister Plenipotentiary from the Republic of Colombia to the Government of the United States, has expressed himself briefly, but with point and clearness, on this subject, in a letter contained in Mr Rocafuerte's *Ensayo Politico*, published within the last year in New York. Mr Salazar is decidedly of opinion, that Colombia in its present state is much better suited to the central, than the federative system, yet he hesitates not to say, that the latter as practised in the United States is in itself the best, when the circumstances of the people are such as to allow it to have its free and effectual operation.* But, notwithstanding these views of distinguished Colombians, and the success of their government under its present system, no very sound reason can be urged, why experiments of a better form should not be made at the outset, and thus secure not only the existence of this better form, but also the benefits which may in the mean time be derived from it. A reformation may not be easily brought about hereafter, when it shall be desired, but if the right plan is laid down at first, no reformation will be required. So in regard to the Mexicans, if they can keep clear of civil commotions, and preserve the peace, rights, and property of the people in a tolerable state of security, during the incipi-

* Si hubieramos de considerar en si mismo el sistema federativo, i tal como los Estados Unidos lo practican, nuestros votos serían en su favor. *Ensayo Polit.* p. 175.

Mr Rocafuerte takes the same ground, and says that 'in the present state of the country, of religious intolerance, and general misery, the *federal hydra* appears to him the most cruel enemy, which could present itself.' He looks ardently to the time, however, when this enemy may become a friend, and be made to work for the prosperity and happiness of the country.

Los legisladores de Cúcuta han sido mui liberales en sus principios, i por consiguente mui amantes al federalismo, todos lo desean, i todos aspiran al feliz momento de verlo introducido entre nosotros. ¿ Que Americano instruido puede existir, que no sea un ardiente defensor de este complemento de perfeccion legislativa? Pero no se llega á la perfeccion de ninguana ciencia ó arte, sin la práctica de sus principios, que se adquiere con el tiempo i con la experiencia. *Ibid. p.* 171.

ent movements of their federative machine, the task will every day become less difficult, and the chances will be multiplied of their obtaining by the shortest process a substantially free government. Whether Mexico is in a condition to make this experiment with a just hope of success, time and the energies of the people must decide.

The substance of the present work, as the author gives us to understand, was communicated in letters to a friend at intervals during a rapid journey through the country. It is written in the form of a diary, and thus contains the interest and spirit with which objects are described on the spot, and incidents are narrated as they occur. Mr Poinsett sailed from Charleston on the 28th of August, 1822, in the corvette John Adams, and, after touching for a short time at Puerto Rico, he entered the port of Vera Cruz in Mexico, on the 18th of October following. In this city he was politely and kindly received by the American Vice Consul, accepted an invitation to dine with Santa Ana, a young and brave general, and governor of the place, by whom he was treated in a cordial and hospitable manner. Here he remained three days viewing different parts of the city, and making preparation for his journey into the interior.

Some confusion exists among writers of good authority respecting the origin of the present city of Vera Cruz. It is often represented as having been founded by Cortes, and the first town established by the Spaniards in North America. But this is a mistake. Cortes landed and had a battle with the natives, in what is now called the province of Tobasco, nearly a hundred leagues to the west of the present site of Vera Cruz, and at that place he built a small city named by him *Madonna della Victoria*, which for many years was the capital of the province. In sailing up the coast from this point, Cortes first disembarked at the mouth of the river Antigua, and here he founded the colony of Vera Cruz, several miles to the westward of the present city, which was not built till nearly a century afterwards.* But whatever may have been

* Clavigero says, that three cities by the name of Vera Cruz were built near the same place on the coast of New Spain. The two first were ancient Vera Cruz and New Vera Cruz, planted on the same sands where Cortes landed. The first was settled by Cortes in 1519, and was called *Villarica of Vera Cruz*, (Villarica della Veracroce.) The next was settled four or five years after, near the site of the other. And the third, or present city of Vera

the location of the city of Vera Cruz, it was, during the three hundred years of colonial servitude, the only port in which goods were allowed to be entered, or from which vessels could sail. The harbor, or rather anchorage of the present city, is exposed and unsafe. Vessels are obliged to put to sea when the north wind blows, or run the hazard of being driven on shore. The strong castle of San Juan de Ulloa stands on an island, overlooking the city, and commanding the entrance of the harbor. This castle was the last retreat of the remains of the royalist forces, which had been sent to quell the revolution in New Spain. Since Vera Cruz has ceased to be the exclusive port of trade, it has declined greatly from its former rank in wealth and business. Alvarado at the south, and Tampico at the north, are now the principal points at which commerce centres.

All things being in readiness our traveller prepared to take up his departure for the interior. On descending into the court yard, he observes, 'I found an escort of six dragoons well mounted, a bat mule loaded with my baggage, and a carriage not unlike a French cabriolet, drawn by three mules, and conducted by a postillion. This vehicle is called a *volante*. The chaise is suspended by twisted leather thongs, and has altogether a ruinous, breakdown appearance.' With this equipage he was to be conveyed to Jalapa, a distance of somewhat more than sixty miles. The journey proved by no means a tedious or disagreeable one, if we may judge from the author's good humored manner of relating the few incidents which befel him. The vehicle broke down but once, the mules were not more obstinate, nor the muleteers more quarelsome, than is usual, the people at the inns were sufficiently accommodating, and, as the travellers carried their own beds and provisions, they would have been unreasonable not to be contented with their lodging and fare.

Two days and a half brought them in sight of the towers and turrets of the ancient and beautiful city of Jalapa, once among the most celebrated in the new world. It was now the residence of Eschevarri, captain general of the provinces

Cruz, was built by order the Count of Monterey, Viceroy of Mexico, at the end of the sixteenth, or beginning of the seventeenth century. It received the title of city from Philip III, in the year 1615. *Storia Antica del Messico, Lib.* VIII. s. 12.

of Puebla, Oaxaca, and Vera Cruz, who received the author courteously, and in whose suite were two Americans, a physician and an engineer. This is the same Eschevarri, who, after the downfall of Iturbide, refused to submit to the government, or obey the orders of the executive of the federal republic. He was seized and taken to Mexico a prisoner, by the patriot general Guerrero. Many things in Jalapa present themselves to gratify an inquisitive traveller. The inhabitants are distinguished for their hospitality to strangers, their lively dispositions, and social habits. The wealthy people of Vera Cruz resort hither in the summer to avoid the heat and diseases incident to the low country at this season. The houses are spacious and many of them handsome, having commonly a large inner court planted with trees and flowers, and containing a fountain. Some of the churches are elegant in their architecture, and splendid in their interior decorations, and the profusion of gold and silver on the altars and walls bears testimony to the former wealth of the place. The aspect of the surrounding country is bold and picturesque; the valleys are clothed with a deep verdure; mountains rise in the distant view, and the lofty summit of Orizaba, ascending to an elevation of seventeen thousand feet above the level of the ocean, is distinctly seen with its snow capped peak situated at a distance of nearly fifty miles to the south west.

Jalapa was one of the cities visited by Cortes, and he built there the convent of San Francisco, which is still standing in a good state of preservation. From this convent, in addition to the features of natural scenery above described, Humboldt says the ocean may be seen. Jalapa is memorable as the place in which the great fair was held, or where all the goods imported into Vera Cruz, and of course nearly all the foreign articles that circulated in New Spain, were sold at a certain season of the year. Merchandise was packed in suitable parcels at the port, and transported to this city on mules, where it was stored in warehouses till the time of sale. The fair was open for six months, and then closed for the same period, during which no sales could be made, as the goods that remained on hand were held in custody by the king's officers, till the periodical return of the fair. Purchasers came from all parts of the interior for several hundred miles

around, and brought in exchange gold, silver, indigo, cochineal, venilla, and such other articles as the European traffickers would receive. Credit was rarely given, and the profits to the merchant were very great. These persons were little else in fact than agents for the Spanish government, which held an entire monopoly of trade, as far as the laws could secure it. The opening and closing of the fair were attended with pompous public processions and religious ceremonies, by each of which the church was sure to be the richer, either from the exactions demanded by the laws, or the voluntary donations of the traders, whose hopes of future gain, or gratitude for past success, added a spur to their generosity. For a long period Jalapa exhibited in the months of the fair a scene of gaiety, bustle, and business nowhere else to be witnessed in the new world.

On leaving this city we find our travellers carried along in vehicles of different construction from that, in which they had set out from Vera Cruz. 'A *littera* is a case six feet long and three wide, with three upright poles fixed on each side to support a top and curtains of cotton cloth. The case is carried by means of long poles passing through leather straps, which are suspended from the saddle of the mules, in the same manner as a sedan chair is borne by porters. A mattress is spread at the bottom of the case, on which the traveller reclines.' Such was the luxurious posture in which the author commenced his journey to Puebla, the next great city on the road to Mexico. It is obvious that he was very much at the mercy of the mules, and that his comfort depended mainly on the orderly manner in which these animals, not proverbial for their accommodating temper, chose to direct their steps over the narrow passes and steep ascents. No accident is recorded, nor any uncommon event, except now and then a sensation of strange tossing to and fro, somewhat annoying to the repose of the recumbent tenant of the *littera*. Our travellers seemed nowise reluctant, however, to change their equipage, for on the second day they encountered a coach at Nopaluco, returning from Vera Cruz to Mexico, which they succeeded in hiring for the rest of the journey. When in motion, this carriage had a most imposing presence, measuring twelve feet between the axles, and drawn by ten mules under the guidance of two postillions. But it

moved at the rate of five miles an hour, and with all its burden of passengers, trunks, boxes, and mattresses, it was soon rolling in the streets of Puebla.

This city was founded by the Spaniards in 1533, is situated sixty five miles southeast of Mexico, and in size and splendor is the second city in New Spain. Mr Bullock, in his volume of travels recently published, says it contains ninety thousand inhabitants, sixty churches, twenty three colleges, thirteen nunneries, and nine monasteries. Humboldt estimated the population at sixty seven thousand eight hundred, but the Intendant told Mr Poinsett, that in 1820 there were only sixty thousand. From these statements the town seems to be on the decrease, and Mr Bullock's account in this particular must have been taken from the estimate of some former period. But at the present day the city puts on the air of great magnificence and wealth, both in its public buildings, churches, and private dwellings, and in the customs and general appearance of the inhabitants. The following is the description given by our author of the cathedral, which forms the entire side of a large open square.

'The interior of the cathedral is richly ornamented, and is really magnificent. The grand altar is strikingly splendid—the platform, which is raised some feet above the level of the rest of the church, is inlaid with marble of different colors. The interior of it is appropriated for the cemetery of the bishops of Puebla. The walls are composed of black and white marble, and the whole vaulted with an elliptic arch. The canopy which rests on this platform is supported by eight double marble columns, the effect of which is destroyed by brass ornaments and gilded capitals. The ceiling of the canopy is highly ornamented with stucco and gold. The custodia is of variegated marble; the front of embossed silver, and so constructed as to slide down and display the Host to the congregation. The custodia itself is surmounted by five bronze figures. In front of this altar is suspended an enormous lamp of massive gold and silver, very beautifully wrought. The pulpit near it is cut out of a mass of carbonate of lime, which is found near Puebla. It receives a high polish, and is semi-transparent. A row of lofty columns supporting the arches, runs round the whole interior of the building. The sanctuaries are numerous, and are ornamented with a profusion of gilding, and some bad paintings.' p. 39.

A nearly similar description might be given of several other churches, which differ little from this except in their dimen-

sions. 'Those of Milan, Genoa, and Rome,' says Mr Bullock, 'are built in better taste, but, in expensive interior decorations, the quantity and value of the ornaments of the altar, and the richness of the vestments, they are far surpassed by the churches of Puebla and Mexico.' The city occupies a well chosen spot; it is compactly and uniformly built on the side of a hill, and commands a wide and interesting prospect over a fertile and cultivated country, which is bounded by lofty chains of mountains and the volcanoes of Puebla. The streets are well paved, the houses large, commodious, and constructed chiefly of stone, the markets profusely supplied, hackney coaches stand in public parts of the city, private equipages are numerous, and all the common sources of human enjoyment seem to be as abundant and accessible in Puebla as can be desired. The bishop of this province receives an income of one hundred and ten thousand dollars a year.

A few miles from Puebla, and a little to the left of the main road to Mexico, stands the once famed city of Cholula, which is now remarkable only for its *Teocalli*, or artificial hill, built before the conquest, and probably devoted to purposes of idolatrous worship. It is ranked as one of the most curious and extraordinary antiquities of the country, and is thus an object of attraction to the traveller. As the author left Puebla for Mexico, he turned aside from the direct route to visit this structure, and enjoy the magnificent prospect seen from its summit. On approaching this *Teocalli*, its appearance is that of a natural hill rising out of a plain, having a pyramidal form, and being covered with shrubs and trees. When examined, however, it is found to consist of distinct and alternate layers of unburnt bricks and clay. The ascent is by a rugged flight of stone steps reaching to the area at top, which spreads itself over a space of 3500 square yards. On this level platform stands a church with two towers and a dome, 'embosomed in a wood of evergreen cypress.' This enormous pile is an effort of human labor little inferior to that, which raised the pyramids of Egypt; and, indeed, the structure itself is considerably larger in its mass, though less in its elevation, than the largest of the Egyptian pyramids. According to the measurement of Humboldt, the *Teocalli* of Cholula is 162 feet high, and 1301 feet on each side of its

base, whereas the pyramid of Cheops is only 693 feet square at the base, thus occupying hardly more than one quarter as much space as the pyramid of Cholula. A road has been cut through a portion of this pyramid, by which a cavity was opened containing two skeletons, and several ornamented vases. The view from the top is grand and beautiful, embracing, in addition to the city and surrounding fertile plains, the volcanoes of Puebla, the mountains of Thlascala on the north, and the detached peaks of Popocatapetl, Iztocihuatl, and Orizaba, each of which rises to a higher elevation than Mont Blanc in Europe.*

The modern town of Cholula stands on a plain at the foot of the Teocalli, and is said to contain about six thousand inhabitants. The change has been great since the days of Cortes, when it was a city of large extent and population, remarkable for its manufacture of a beautiful kind of earthen ware, its trade, and particularly for its temples, idols, and religious ceremonies. Clavigero says that in respect to religion, Cholula was the Rome of Anahuac.† After forming an alliance with the Thlascalans, Cortes and his six hundred Spaniards entered this city with marked demonstrations of respect and kindness from the inhabitants, but within three days he found that this show of civility was a feint to entice him into a fatal snare. Ambassadors from the great Montezuma had wrought upon the minds of the Cholulans, and persuaded them, by a scheme of deep treachery, to cut off the whole body of these intruding strangers at a single blow. The plot was discovered, however, before the time appointed to put it in execution arrived, and by his usual firmness and presence of mind Cortes averted the danger. He called a certain number of the chiefs and magistrates before him, charged them with their treacherous designs, and reproached them with the infamy of being deceivers and traitors. They did not deny the charge, but said they were instigated by emissaries from Montezuma. With this apology the conqueror was not satisfied; he determined to make his authority felt in a summa-

* We suppose the author mistakes in calling Popocatapetl 'the loftiest mountain in North America.' It is estimated at 17,716 feet above the level of the sea; but Mount St Elias, on the North West Coast, is stated to be 18,090 feet.

† Per ciò che riguarda la religione può dirsi che Cholollа era la Roma d'Anahuac. *Stor. Ant. del. Mess.* Lib. VIII. § 26.

ry way, and accordingly gave orders to his men to attack the people, and pursue them with an indiscriminate slaughter. Bernal Diaz, who was a soldier under Cortes and present on the occasion, and who afterwards wrote a history of the conquest esteemed for its fidelity, says that many were killed, and others burnt alive, contrary to the promises of their false idols.*

This was a stain on the character of Cortes, which has never been wiped off. The renowned and virtuous Las Casas wrote with great indignation and feeling on the subject, in the lifetime of the conqueror, and accused him of excessive and unjustifiable cruelty. Diaz complains of the severity of Las Casas' censures, and defends the conduct of his general. He moreover adds, that the first missionaries sent to New Spain, not long after the event, visited Cholula on purpose to inquire into the subject, and that they were satisfied the punishment was such as the treachery of the inhabitants deserved, and as would alone secure the safety of the Spaniards. But it must be remembered, that Diaz and the missionaries put the thing chiefly on the ground of religion, arguing that if this massacre had not been committed, the lives of the Spaniards would have been in jeopardy, the natives would not have been conquered, and thus they would have remained forever in idolatry. This is a very specious mode of reasoning, and is enough to show that the warmth of Las Casas was not without good cause ; and this, notwithstanding Clavigero's assertion, that he does not adduce sufficient proofs to merit our confidence,—nè adduce prove sufficienti a meritar la nostra fede. We know not what better proof is wanted, than the confession of Cortes himself, and of the accredited historian who was on the spot.†

* Matamos muchos dellos, i otros se quemaron vivos, que no les aprovechò las promessas de sus falsos idolos. *Hist. Verdad. de la Conquist. de la Neuv. Esp. Cap.* 83.

† There are some discrepances in the accounts of the number killed in this massacre. Cortes, in his letters to the king, states it as *more than* three thousand. En dos horas murieron mas de tres mil hombres. *Historia de Neuv. Esp. escrita por Hernan Cortes*, cap. xv.—Clavigero makes it more than six thousand. His words are, Con questa orribile strage nella quale perirono *più di sei mila* Chololesi, &c. Lib. viii. § 27. Other writers have enlarged the number, and it has even been carried up to seventy thousand, which is doubtless an extravagant exaggeration.

Clavigero also makes a strange mistake in citing Cortes respecting the population of the city. Cortes says there were *twenty* thousand houses in the

On the next morning after visiting Cholula the travellers ascended a ridge of mountains, from which they had a magnificent prospect of the great valley of Mexico, 'with its lakes, insulated hills, snowy mountains, and cultivated fields, interspersed with haciendas and villages.' A few hours ride brought them to the lake of Tezcuco, where they entered on a paved causeway eighty feet broad, extending along the margin of the lake. Distant spires and churches had already warned them of their approach to the city, and they soon found themselves within its walls.

At the time of the conquest it is well known, that Mexico was a city of great extent and splendor. The arts of civilisation were carried to a much higher degree of perfection in this place, than in any other part of the new world. The city then stood on an island in the lake of Tezcuco, and was connected with the main land by three causeways, one of which was seven, another three, and the last two miles in length. Each was so broad, that ten men could pass abreast on horseback. The city itself, exclusive of the suburbs, measured ten miles in circumference, and according to Clavigero contained sixty thousand houses. There were numerous palaces and temples ornamented with costly decorations of gold and silver, and the private dwellings were many of them spacious, containing balconies and parapets, which served at the same time for the convenience and pleasure of the inhabitants, and as a ready defence against an enemy. The market places were large, and crowded with people and merchandise; and vast numbers of boats and canoes were constantly plying from every part of the lake to the city. Such were the show of wealth, the multitudes of people, the activity and bustle of business, the ex-

city, and as many in the suburbs. Esta ciudad tiene hasta *veinte mil* casas dentro de el cuerpo de la ciudad, e tiene de arrabales otras tantas. Cap. 15. Clavigero says the number of houses within the city was *forty* thousand, and the same number in the suburbs, adding—secondo che afferma Cortes. Lib. VIII. § 26.

There is also a disagreement between Cortes and Diaz respecting the number of temples and towers in the city. Cortes tells the king, that from the top of one temple he counted *four hundred* others, and as many towers,—mezquitas quatrocientas i tantas torres. Diaz speaks only of *one hundred*,—sobre cien torres mui altas. This difference may be reconciled, however, by supposing that Diaz refers only to the more conspicuous, *mui altas*, whereas Cortes embraces all he could see from an elevated position.

cellence of the police, and the regularity with which everything was conducted, that the Spanish officers in Cortes' army, who had travelled over all parts of Europe, confessed, as Bernal Diaz affirms, that they had seen no city, which in these respects surpassed Mexico.

In Mr Bullock's volume of travels, referred to above, we find a curious extract from the account of an English Dominican friar, by the name of Thomas Gage, who went to Mexico in the year 1625, and resided there twelve years. After his return to England, he wrote a work entitled, *The English American, his Travels by Sea and Land*, in which he described Mexico as he saw it a century after the Spanish conquest. We quote the author in his own quaint language.

'The streets are very broad, in the narrowest three coaches may goe, and in the broader six may goe in the breadth of them, which makes the city seem a great deal bigger than it is. In my time it was thought to bee of between thirty and forty thousand inhabitants, Spaniards, who are so proud and rich, that half the city was judged to keep coaches, for it was a most credible report, that in Mexico, in my time, there were above fifteen thousand coaches. It is a by-word, that in Mexico there are foure things faire, that is to say, the women, the apparel, the horses, and the streets. But to this I may add the beauty of some of the coaches of the gentry, which doe exceed in cost the best of the court of Madrid and other parts of Christendome, for there they spare no silver nor gold, nor pretious stones, nor cloath of gold, nor the best silks of China, to enrich them. And to the gallantry of their horses, the pride of some adde the cost of bridles and shooes of silver. The streets of Christendome must not compare with those in breadth and cleannesse, but especially in the riches of the shops which doe adorn them. Above all, the goldsmiths' shops and workes are to be admired. The Indians, and the people of China that have been made Christians, and every yeere come thither, have now perfected the Spaniards in those trades. The viceroye, who went thither in the yeere 1625, caused a popingay to be made of silver, gold, and pretious stones, with the perfect colour of the popingay's feathers, (a bird bigger than a pheasant,) with such exquisite art and perfection, to present unto the king of Spain, that it was prized to be in riches and workmanship halfe a million of duckats. There is in the cloyster of the Dominicans a lampe hanging in the church, with three hundred branches wrought in silver, to hold so many candles, besydes a hundred little lampes for oyle set in it, every one being

made of several workmanship, so exquisitely that it was valued to be worth 400,000 duckats; and with such like curious workes are many streets made more rich and beautiful by the shops of goldsmiths.

'To the by-word touching the beauty of the women, I must add the liberty they enjoy for gaming, which is such, that the day and night is too short for them to end a primera when once it is begun; nay, gaming is so common to them, that they invite gentlemen to their houses for no other end. To myself it happened, that, passing along the streets with a fryer that came with me the first yeere from Spain, a gentlewoman of great birth, knowing us to be chapetans, (so they call the first yeere those that come from Spain,) from her window called unto us, and after two or three slight questions concerning Spain, asked us if we would come in and play with her a game of primera. Both men and women are excessive in their apparel, using more silkes than stuffes and cloath; pretious stones and pearles further much their vain ostentation; a hatband and rose made of diamonds in a gentleman's hat is common, and a hatband of pearls is ordinary in a tradesman; nay, a blackmore, or tauny young maide and slave, will make hard shift but shee will bee in fashion with her neckchaine of bracelets of pearles, and her earbobs of some considerable jewells.'

This brief sketch will give us some idea of what Mexico was two hundred years ago, at least in regard to its extent, wealth, and the manners of the people. Abundance of gold, excess of luxury, vanity in dress, idleness, and gaming, seem to have been the leading characteristics of those, who were at the head of society. It is easy to imagine what influence such habits must have had on the morals and character of the mass of the population. If this state of things be compared with Mr Poinsett's account of Mexico two years ago, an immense improvement will be obvious; although we may yet perceive the lingering remains of former customs, which must be eradicated before a sound state of society can exist, or the foundation of social virtue and political prosperity can be substantially laid.

'The new city,' says Mr Poinsett, 'which was built in 1524, is built on piles. The streets are sufficiently wide, and run nearly north and south, east and west, intersecting each other at right angles; they are all well paved, and have side walks of flat stones. The public squares are spacious, and surrounded by buildings of hewn stone, and of very good architecture. The public edifices and churches are vast and splendid, and the private buildings being constructed either of po-

rous amygdaloid or of porphyry, have an air of solidity and even of magnificence. They are of three and four stories high, with flat terrace roofs, and many of them are ornamented with iron balconies. The houses of Mexico are all squares with open courts, and the corridors, or interior piazzas, are ornamented with enormous china vases, containing evergreens. They are not so well furnished as our houses in the United States, but the apartments are more lofty and spacious, and are better distributed. The entrance leads through a large gate into an inner court, with the stairs in front of the gate. The best apartments, which are generally gaudily painted, are on the street, and frequently on the second story above the ground floor.'

'We walked through the market place, and I was surprised to see it so well furnished. The markets of Philadelphia and New York display butchers' meat in greater quantity, and generally of better quality, but here we saw game in abundance. Wild ducks, birds of various sorts, venison and hares, and the profusion and variety of fruits and vegetable, were greater than I had seen in any market in Europe or America.'

'The fruits of the tropics are raised a short distance from the city, and the vegetables and fruits of Europe are cultivated on the borders of the lakes Xochimilco and Chalco, by the Indians, who bring them to market in canoes ornamented with flowers. The stalls are set out with flowers, which are in great demand by all classes, to adorn the shrine of some saint, the patron of the house, or to grace a festival. The market is filled with stalls, and the paths through it are very narrow and obstructed by a crowd of leperos, whom I was cautioned not to touch, for their blankets swarm with vermin. The streets surrounding the market are filled with earthen ware for cooking, and other domestic purposes. The Indians everywhere make earthen pots very neatly, and the people here use them instead of iron or copper vessels.' p. 48—50.

These things speak well for the comforts of the inhabitants, and afford no weak testimony of their industry and good order. The following remarks present us with a glimpse of the mode of showing civility in the higher classes of society, and although it borders a little on the stiffness and formality of the old Spanish ceremony, yet he must be fastidious in his notions of politeness and good breeding, who would not be satisfied with such demonstrations of attention and kindness.

'I have employed great part of the day,' says the author, 'which is the festival of All Saints, in making or rather returning ceremonious visits. Sir Archy may have bowed lower, but not oftener in a day than I have. Remember, when you take leave of a Spanish

grandee, to bow as you leave the room, at the head of the stairs, where the host accompanies you, and after descending the first flight, turn round and you will see him expecting a third salutation, which he returns with great courtesy, and remains until you are out of sight; so that as you wind down the stairs, if you catch a glimpse of him, kiss your hand, and he will think you a most accomplished cavalier. This is the only ceremony you have to undergo, for your reception will be cordial and friendly. The gentlemen of Mexico are not hospitable, in our sense of the word. They rarely invite you to dine with them; but they introduce you to their families, assure you of being welcome at all times, in a manner that convinces you of their sincerity, and if you call in the evening, regale you with chocolate, ices and sweetmeats. If you take to the house, the oftener you go the more welcome you are, and you are treated by all the family with kindness and familiarity.

'This is out of all order; but the annoyance of bowing so much, and the unaffected kindness of these people were uppermost in my thoughts.' p. 64.

The following extract, in addition to its picturesque images and graphic representations, brings to our notice a description of persons, who pursue a somewhat novel, though it would seem a very useful profession.

'In my walk this morning, under the porticoes leading to the principal square, I was struck with the singular exhibition they presented of the busy, the idle, and the devout. The shops were filled with tradesmen and purchasers. Under the porticoes were men and women selling fruits and flowers, and wax work representing with great accuracy the costumes of the country, the work of Indians, and the best of the sort I have ever seen. *Leperos* were leaning against the columns sunning themselves; and beggars, and little urchins selling pamphlets and gazettes, followed us with loud clamors. In the midst of this scene of noise and confusion, I observed two women on their knees before a picture of the Virgin, which is enclosed in a glass case, and has always tapers burning before it. They were abstracted from all that was passing around them, and appeared to be really and devoutly absorbed in prayer. While looking at them and at the crowd, the tinkling of a small bell was heard. It announced the passage of the Host from the cathedral to the death-bed of a sinner. In an instant all was still. Shopkeepers and their customers, leperos and noisy children, all doffed their hats and knelt on the pavement, where they remained until the Host was out of sight, devoutly crossing themselves the while. We then rose, and the hum, and bustle, and clamor were gradually renewed. We crossed the square, where there are always

a number of hackney coaches standing (better I think than the *jarvies* and *fiacres* of London and Paris,) to the statue of Charles Fourth; where seated on the steps of the enclosure we found a class of men called *evangelistas*. Their business is to indite memorials and epistles for those who cannot write themselves. Wrapped in his blanket, and furnished with pen, and ink, and a basket full of paper, the evangelist is ready to furnish letters in verse or prose, to all who apply for them. I listened for some time to one of them, who was writing a letter for a pretty young girl, and was artfully drawing her sentiments from her.

The facility with which these men write is surprising. Memorials to ministers and judges, letters of condolence and congratulation, and epistles breathing love and friendship, succeed each other rapidly, and appear to cost but little effort. Some of them are tolerable improvisatori—a faculty more common among the people of Spanish America, than it is even among the Italians.' p. 77, 78.

The state of education in Mexico, amidst all the bars which have been opposed to the progress of knowledge, has never been so low as in many other parts of Spanish America. Books have been printed there in a style of elegance, that would do credit to the art in any country. But this was confined to a single press in the capital; neither printing nor the sale of books was indiscriminately allowed under the old government. At an early period of the revolution, the enterprising chief Morelos published a gazette at Zultepec, entitled *Illustrador Nacional*, which was printed with indigo on wooden types, ingeniously cut by a native Indian. A rapid change cannot but take place for the better, when the system of primary schools, which the present government is laboring with zeal to establish, shall go into full operation. To this system, introduced as it will be into all the republics, we may look with more confidence than to anything else for the ultimate and permanent regeneration of South America. Let knowledge go abroad and visit the hut of every peasant, and the triumph of freedom will be secure; the authority of law will be respected in proportion as its principles and utility are understood. Speaking of education in Mexico, Mr Poinsett observes,

'The university was founded in 1551. It is under the government of a rector, who accompanied us in our visit to the different apartments of the building. There have been as many as two hundred students at a time, but the number is now very much

diminished. Besides this university, there are inferior colleges, and several large schools, under the direction of the regular clergy. Most of the people in the cities can read and write. I would not be understood as including the *leperos;* but I have frequently remarked men, clothed in the garb of extreme poverty, reading the Gazettes in the streets; of these there are three published every other day in the week, which are sold for twelve and a half cents a piece, and pamphlets and loose sheets are hawked about and sold at a reasonable rate. There are several booksellers' shops, which are but scantily supplied with books. The booksellers have hitherto labored under all the disadvantages of the prohibitory system of the catholic church, but are now endeavoring to furnish themselves with the best modern works. The few books to be found in the shops are extravagantly dear. There are several valuable private libraries, and many Creole gentlemen, who have visited Europe, have a taste both for literature and the fine arts. This is certainly more rare among those who have never been out of their own country. The means of education were more limited; and under the colonial system, liberal studies were discouraged. The Latin language, law, theology and philosophy, were taught in the colleges, and only so much of the latter as the clergy thought might be taught with safety. To give you some idea of the influence of this class in the city of Mexico, I will merely observe, that there are five hundred and fifty secular, and sixteen hundred and fortysix regular clergy.

'Humboldt says, that in the twentythree convents of monks in the capital, there are twelve hundred individuals, of whom five hundred and eighty are priests and choristers; and in the fifteen convents of nuns, there are two thousand one hundred individuals, of whom about nine hundred are professed nuns. p. 83, 84.

Extracts from the author's account of what he saw and learnt in the city of Mexico might be indefinitely extended with profit to our readers; but one more must suffice. This relates to the man of whom posterity will be puzzled to decide, whether ambition or folly was the leading trait of his character. Iturbide was *emperor* of Mexico when Mr Poinsett was there, and he thus describes his interview with him.

'I was presented to His Majesty this morning. On alighting at the gate of the palace, which is an extensive and handsome building, we were received by a numerous guard, and then made our way up a large stone staircase, lined with sentinels, to a spacious apartment, where we found a brigadier general stationed to usher us into the presence. The emperor was in his cabinet and received us with great politeness. Two of his favorites were with him.

We were all seated, and he conversed with us for half an hour in an easy unembarrassed manner, taking occasion to compliment the United States, and our institutions, and to lament that they were not suited to the circumstances of his country. He modestly insinuated that he had yielded very reluctantly to the wishes of the people, but had been compelled to suffer them to place the crown upon his head to prevent misrule and anarchy.

'He is about five feet ten or eleven inches high, stoutly made and well proportioned. His face is oval, and his features are very good except his eyes, which were constantly bent on the ground or averted. His hair is brown with red whiskers, and his complexion fair and ruddy, more like that of a German, than of a Spaniard. As you will hear his name pronounced differently, let me tell you that you must accent equally every syllable, I-tur-bi-de. I will not repeat the tales I hear daily of the character and conduct of this man. Prior to the late successful revolution, he commanded a small force in the service of the Royalists, and is accused of having been the most cruel and blood-thirsty persecutor of the Patriots, and never to have spared a prisoner. His official letters to the viceroy substantiate this fact. In the inverval between the defeat of the patriot cause and the last revolution, he resided in the capital, and in a society not remarkable for strict morals, he was distinguished for his immorality. His usurpation of the chief authority has been the most glaring, and unjustifiable ; and his exercise of power arbitrary and tyrannical. With a pleasing address and prepossessing exterior, and by lavish profusion, he has attached the officers and soldiers to his person, and so long as he possesses the means of paying and rewarding them, so long he will maintain himself on the throne ; when these fail he will be precipitated from it.' p. 67, 68.

This prediction was verified sooner, perhaps, than even the author anticipated. Vanity made Iturbide an emperor, he was a tyrant in his nature ; in his dreams of a crown, a throne, and the other baubles of kings, he forgot the rights of mankind ; in his love of power and domination he trampled on liberty and justice. The fate of few men has been less lamented than that of Iturbide ; few will be remembered with less regret.

The author spent his time most diligently in Mexico, and has brought together in his journal a great number of valuable and interesting facts pertaining to the present state of the city, which his observation and researches enabled him to collect. From the capital he continued his tour to the north, visiting the mines of Guanaxuato, and passing through San

Luis Potosi to Tampico, whence he embarked for the United States. He examined on his way the great canal of Huehuetoca, which has been constructed to drain the waters of the lake Zumpango, and prevent their flowing into the Tezcuco, and thus inundating the city as was often the case formerly. The canal is a work of prodigious labor, cut through a hill to a depth varying from ninetyeight to one hundred and thirty feet. 'It cost the lives of some thousands of Indians, who were compelled to work in it. They were suspended by cords, and were frequently swept away by the torrents when the waters rose suddenly, or were dashed against the rocks; and many perished from excessive fatigue and bad treatment.' The plan, however, succeeded; the waters of the lake now flow into the river Tula, and are carried to the ocean.

On the fourth day after leaving Mexico the author arrived at Queretaro, once famous for its manufactures, as far as this kind of employment was allowed under the old government. The town now contains no less than thirty thousand inhabitants, and is thus described.

'The manufactures of this place have suffered in common with every branch of industry in Mexico. They are still carried on, particularly those of woollen and cotton stuffs, but on a reduced scale. African slaves formerly worked in these manufactories, and Indians, who were held to labor by getting them in debt, and keeping them so by furnishing them the means of gratifying their love of ardent spirits. This subject was frequently discussed during the existence of the late congress, but no adequate remedy was adopted.

'There are upwards of eleven thousand Indians in Queretaro, and many of them are still held in this brutal state of bondage by the manufacturers. We have been amused for some time with the motley assembly in the square. It is Saturday, and on the evening of this day there is a market or rather fair held. They began to assemble about an hour before sun-down, so as to display their wares to advantage, and the business is now going on by candle light. We saw the poor pedlar, carefully spreading out on the pavement, odd pieces of old iron, spurs, bridle bits, nails and screws; the manufacturer hanging up his cotton and woollen goods; and the jockey dashing about on a gallant steed, and loudly calling on the by-standers to admire its rare qualities and to purchase. I suppose our appearance betokened cullibility, for we have been visited by almost every salesman in market offering their wares at

enormous prices. They are accustomed to chaffer, and you may offer them one fourth of their asking price, without risk of offending them, and with a good chance of purchasing the article.' p. 139, 140.

We next find the author at the mines of Guanaxuato, which he examined with care; and he describes with great minuteness the mode of working the mines, forming the shafts which descend to them, and the whole economy of separating the metal from the ore. His description and remarks on this subject are highly interesting. The great shaft of Vallenciana, which is eighteen hundred feet deep, and thirtythree in diameter, and constructed at the expense of more than a million of dollars, was nearly two thirds full of water. The machinery of this mine was burnt by order of Mina, after his attack on Guanaxuato had failed. The owners have not been able since to restore it, and the mine has consequently remained unproductive. Mr Bullock says, that this is one of the mines engaged to be worked by the British company, and that mechanics and steam engines were on their way a year and a half ago to commence operations. The want of fuel, as Mr Poinsett suggests, will be a serious bar to the utility of steam engines, unless coal shall be discovered in the neighborhood.*

One or two sketches from the author's animated narrative of his journey from the mines to the sea shore, will place in rather a striking light some of the amusements and characteristic traits of the people. The following incident happened at San Luis, which is described as a handsome town, in the midst of a fertile country.

'My fellow travellers arrived about two o'clock, and all my arrangements are made to set out tomorrow. In the afternoon we visited the cockpit, and found a strange, motley group there. A priest was examining one of the birds, and betting largely; and we saw miserable wretches, half naked, or covered with a blanket, put five, and some as much as twenty dollars, into the broker's hands, to stake on their favorite bird. Some *Señoras*, not, however, the most lady like, but very finely dressed, were smoking cigars and betting. When the bets were all made, and order restored, a noble colonel pitted his own fowl against a *lepero*, a fellow

* An account of these mines, as described by Humboldt and others, may be seen in our number for April, 1822. Vol. XIV. p. 432.

in a blanket. One of the birds was killed at the first onset. The colonel was victorious; but after the battle was over, some dispute arose, and in an instant all was confusion and wild uproar. But for the seasonable interference of the brokers, who acted as umpires, we might have witnessed a battle between the priest and the colonel.' p. 185.

At San Isidro, a village of stone huts with thatched roofs, the author writes,

'I have just returned from visiting a school, and have been much amused with the appearance of the pedagogue. In a large room, furnished with two or three cowhides spread on the floor, and half a dozen low benches, were ten or twelve little urchins, all repeating their lessons at the same time, as loud as they could bawl. The master was stalking about the room, with a ferule in his hand, and dressed in a most grotesque manner. He had an old manta wrapped about his loins, from under which, there appeared the ends of tattered leather breeches, hanging over his naked legs; sandals were bound round his ankles; a leather jerkin, the sleeves worn off, and a dirty handkerchief twisted round his head, above which his shaggy hair stood erect, completed his dress. He seemed perfectly unconscious of his uncouth appearance, but received me very courteously; dismissed his scholars immediately, and at once entered into conversation on the state of the country. He is not satisfied with the present order of things, and made some sarcastic observations on the change of masters, which the people had undergone; contrasting the colonial government with that of Iturbide, very much in favor of the former.' p. 190.

The author reached Tampico on the 17th of December, two months from the time he landed at Vera Cruz. Here his journal in regard to Mexico ends, but several pages of valuable remarks and statistical details are added, respecting the island of Cuba, where he passed a few days on his return to the United States.

The interest of this volume is by no means confined to a narrative of the ordinary events, which happened to a traveller in passing through the country. By far the greater part is taken up with topics of higher moment. As full an exposition as can be desired is given of the political resources and condition of the country, its population, revenue, agriculture, manufactures, commerce, and military force. We hazard nothing in saying, that the volume contains the best account which can be found of the present state of Mexico, both in regard to the character of the people, and their prospects as

an independent nation. In the appendix is a sketch of the revolutionary history, with several important public documents. These we pass over for the present, intending at a future period to devote a separate article to a consideration of the political changes in Mexico.

Art. IV.—1. *Ordinances of the Corporation of the City of Baltimore, with the Act of Incorporation, and the several Supplements thereto; to which is added an Appendix, &c. Compiled and prepared in Pursuance of a joint Resolution of both Branches of the City Council.* By Samuel Young. 8vo. pp. 342. Baltimore. N. Warner. 1816.

2. *Remarks on the Intercourse of Baltimore, with the Western Country.* 8vo. pp. 30. J. Robinson. Baltimore. 1818.

3. *Report of the Maryland Commissioners on a proposed Canal from Baltimore to Conewago.* 8vo. pp. 84. F. Lucas, Jr. 1823.

4. *General Harper's Speech to the Citizens of Baltimore, on the Expediency of Promoting a Connexion between the Ohio at Pittsburgh, and the Waters of the Chesapeake at Baltimore, by a Canal through the District of Columbia; with a Reply to some of the Objections of Mr Winchister.* 8vo. pp. 78. E. J. Coale. 1824.

5. *Annals of Baltimore.* By Thomas W. Griffith. 8vo. pp. 240. Baltimore. 1824.

Among the prominent features, which distinguish the United States from every part of the old world, in every period of its history, are the rapid growth of many of our towns, and the unexampled increase of population in certain districts of the country. No one can pass through our western regions, and witness the marks of industry and enterprise, which everywhere meet the eye, without feeling almost as if he walked on enchanted ground, and that the wilderness had bowed to a more than mortal arm. A ride from Albany to Niagara reveals the power of human agency, in developing the resources and multiplying the

means of social being, to a more remarkable degree than had ever been known in the history of the whole eastern continent. And if we go onward and visit the banks of the Ohio, the Wabash, Mississippi, and Missouri, we shall find towns, villages, innumerable cultivated farms, a teeming population, well organised governments, and all the details of commercial and social intercourse, established on a firm basis, and going into an harmonious operation, over an immense space of country, where thirty years ago scarcely a vestige of civilisation could be traced.

The growth of our cities on the seaboard, if it has been comparatively less rapid, than that of some parts of the interior, has nevertheless exceeded anything with which history acquaints us in the eastern hemisphere. Within the last thirty years the population of Philadelphia has increased to a number three times as great as it was at the beginning of that period, New York to a number four times as great, and Baltimore to a number five times as great. New Orleans has now more than three times the amount of population, which it had when the purchase of Louisiana was made by the United States. But among all the cities, whether of America or of the old world, in modern or ancient times, there is no record of any one, which has sprung up so quickly to as high a degree of importance as Baltimore. At the commencement of the revolution it was a village of five thousand inhabitants, and at the close of the war it had increased to no more than eight thousand. In magnitude it is now the third city in the Union, and has held that rank for nearly twenty years.

Odessa and Liverpool have been often mentioned as cities of the most rapid growth of any in Europe, but these have not equalled the cities in the United States. As to Odessa, it can hardly be compared with any other city, inasmuch as its rise and prosperity have depended on causes peculiar to itself. The building of Odessa was first begun by the Russian government thirty years ago, and from all the aid which it has received by being a free port, and from the royal patronage in erecting piers, wharves, and warehouses, and inducing farmers to settle in the neighborhood by donations of land and other privileges, the city has not yet been forced up to a population of more than about thirtysix thousand. In the last twenty years it has a little more than doubled.

The increase of Liverpool, although at one time rapid, has never been equal to that of New York.

A brief outline of the progress of Baltimore, together with a few remarks touching the causes, which contributed to its sudden elevation, will not be without value in illustrating the commercial history of this country, and showing what can be attained by opportunity and enterprise, under a government which affords the one and fosters the other. Maryland, like New England, owes its first settlement to a love of religious freedom, and regard for the rights of conscience. As early as 1621, Sir George Calvert, afterwards made lord baron of Baltimore in Ireland, obtained from king James a grant of a part of the island of Newfoundland, where he resolved to establish a colony, which should be an asylum for such Roman Catholics as chose to relieve themselves by emigration from the persecutions of the times. In this colony he lived himself for a few years, till he found the climate and local disadvantages an insuperable bar to its prosperity. He then visited Virginia, and the country on the Chesapeake Bay. When he returned to England the king consented to give him a grant of the territory, which now constitutes the state of Maryland, but before the charter could be adjusted, lord Baltimore died. His title, and the mass of his fortune, were inherited by his eldest son, Cecilius Calvert, who obtained the charter and prosecuted the design of his father. Two hundred persons were collected, who agreed to go out and begin the settlement of a colony under the charge of Leonard Calvert, appointed by his brother governor of the territory. They entered the Chesapeake in February, 1634, and debarked at a place, which they called St Mary's, on the north bank of the Potomac, and near its junction with the Chesapeake. Here they established themselves, formed a government, lived in peace with the Indians, and enjoyed as speedy and wide a prosperity, as new colonists could possibly expect under similar circumstances.*

* It is a curious fact, and one which reflects the greatest credit on these early colonists, that *fifteen years* after they first landed, the general assembly of the people passed an act, entitled *An Act concerning Religion*, in which the great principles of religious toleration and liberty are recognised in their fullest latitude. The following is an extract from the act itself.

'Whereas the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those commonwealths

By reason of the liberal conditions offered to emigrants in lands and privileges, the colony increased, and a commercial intercourse with the mother country was gradually opened and extended. Tobacco was the chief product for exportation, although wheat early became an article of importance. As the inhabitants spread over different parts of the territory, a few villages sprung up here and there in places convenient for water communication, but for more than a century after the first landing of the colonists, commerce seemed not to be verging to any particular point.

The site where the city of Baltimore now stands was partly a wilderness, and partly cultivated as a farm, in the year 1729, when an act was obtained from the Assembly for laying out sixty acres of land into lots, and erecting a town on the north side of the Patapsco. The concerns of the proposed town were entrusted to seven commissioners, who were appointed for life, and empowered to fill their own vacancies. These persons bought of the owner, Mr Carroll, the sixty acres of land at forty shillings an acre, to be paid in money, or in tobacco at one penny a pound. This tract was that portion of the present city, which is situated at the head of the basin, or inner harbor. Although the original limits of the

where it hath been practised, and for the more quiet and peaceable government of this province, and the better to preserve mutual love and unity among the inhabitants, no person or persons whatsoever, within this province, or the islands, ports, harbors, creeks, or havens thereunto belonging, professing to believe in Jesus Christ, shall from henceforth be any ways troubled, molested, or discountenanced, for, or in respect of, his or her religion, nor in the free exercise thereof, within this province, or the islands thereunto belonging, nor any way compelled to the belief or exercise of any religion against his or her consent, so that they be not unfaithful to the lord proprietary, or molest or conspire against the civil government established, or to be established in this province under him or his heirs.' Bacon's Laws, 1649, chap. I.

This law was passed by an assembly composed entirely of Roman Catholics, and is the more remarkable, as being the *first legislative act*, it is believed, which is recorded to have been passed by any government in favor of unlimited toleration. Penn's memorable law to this effect, for the regulation of his colony, was not made till more than thirty years afterwards, that is, 1682. There is a remarkable coincidence in the spirit of the two, as will be seen by the following clause in Penn's law, which declares—'that all persons living in the province, who confess and acknowledge the one Almighty and Eternal God to be the creator, upholder, and ruler of the world, and hold themselves obliged in conscience to live peaceably and justly in civil society, shall in nowise be molested for their religious persuasion, or practice, in matters of faith and worship.' This law, it must be remembered, was the result of the enlightened views and benevolence of a single individual, while that of Maryland was the spontaneous act of an assembly of the people.

town were enlarged from time to time, it does not seem to have flourished. There is now extant a plan of Baltimore taken by Mr John Moale in 1752, at which time it contained only twentyfive houses. Two vessels were owned in the place, a small brig and a sloop. Mr Griffith thinks the town received an increase soon after in consequence of Braddock's defeat, as this event made the savages more lawless, and deterred many persons from settling in the interior. In 1756 a body of French neutrals from Nova Scotia, who left that country when it was taken by the British, sought a refuge in Baltimore, where the greater portion of them remained. A few of the original French emigrants are still living in the city at a very advanced age. 'Several houses erected from timber cut on the lots by themselves, and yet standing, were occupied by some of them more than sixty years.' About this period, or soon after Braddock's defeat, the inhabitants of the town were expecting a visit from the Indians, and the women and children were put on board the boats in the harbor, that a safe retreat might be secured for them in case of immediate danger.

From this time till the revolution the town increased very slowly. No newspaper was established till 1773, before which, merchants were obliged to send their advertisements to Annapolis or Philadelphia. Fairs were held at stated periods, and the facilities of interchange were thus promoted, but Baltimore had not yet become the chief town of the province, nor gained that commercial ascendency, which gave indication of its future growth. During the revolution the spirit of enterprise began to show itself, capital centered gradually at Baltimore, privateers were fitted out with success, and as thriving a trade was kept up, particularly with the West Indies, as the circumstances of the times would allow. An unfavorable change occurred immediately after the peace, owing to the general depression suffered by every part of the country. The staple productions of Maryland, and of course the principal articles of export from Baltimore, were then, as they ever have been, tobacco, wheat, and Indian corn.

The tobacco trade was always one of great importance to the state and the city. Before the revolution, this was carried on almost exclusively by foreign agents, who resided at

the *landings* on the Chesapeake, and the rivers flowing into it, and received the product from the hands of the planters, to whom they usually made advances. It was shipped on account of the planters, and the profits of exchange went to the agents, and were thus carried out of the country. These agents were British, or Scotch, and the breaking out of the revolution interrupted this species of trade. As soon as peace was declared, however, it was resumed again by the British merchants, who had establishments at Annapolis, Upper Marlborough, Bladensburgh, Elkridge Landing, and other places on the rivers. By this process a great proportion of the Maryland tobacco, which was consumed on the continent of Europe, that is, in Holland and Germany, was carried to its ultimate market through the channel of England. Baltimore had but a comparatively small share of this trade till 1784, when an extensive commercial establishment from Holland was formed there, which made large purchases of this staple commodity on Dutch account. This example was followed by merchants from Hamburgh and Bremen. Under these changes the transportation was chiefly in foreign bottoms, but at length the Baltimore merchants themselves, as they gained means and shipping, took the lead in this traffic, and its profits were turned to stimulate their enterprise, and increase their resources. The British establishments gradually disappeared, Baltimore became the best market, and drew to it nearly all the tobacco produced in the state.

The amount of the tobacco crop in Maryland has ever been fluctuating. Before the revolution it was sometimes as high as 20,000 hogsheads annually; at the close of the war it was not more than 10,000, and it has since varied between that amount and 35,000. In the year 1823, the quantity exported from Baltimore was 21,733 hogsheads, and the crop of the state for 1822 was estimated at 28,000, the remainder having been shipped from the District of Columbia. The average weight of a hogshead is about 900 pounds. The first purchase from the planters is commonly made by persons, who attend the inspection houses for that purpose, and from whom the article passes by another sale to the exporter. No article demands a more practised skill in judging of its quality, or a closer attention to the details of trade, as

will be readily believed from the circumstance, that the price has every shade of variation from two and a half to twenty cents a pound, according to the quality of the article. The celebrated *Kitefoot* tobacco, so much sought after in Holland for smoking, is produced in its greatest perfection nowhere except in Maryland, and even here only in particular districts; and it sells at a price very much beyond that of any other kind. It has a thin, bright, yellow leaf, and possesses less of the narcotic principle, than the Virginia tobacco, or that which is produced on the eastern shore of the Chesapeake. It will grow only on newly cleared soil; two crops at most in succession are all that can be obtained; it will then degenerate. Various laws regulating inspections have been enacted, and inspectors are appointed by the state government. Capacious warehouses have been built in different parts of the city, to one of which every hogshead of tobacco sold in that market must be brought for inspection, before it can be exposed to sale.

The export of flour from Baltimore, after the war, was confined to the West Indies, and it was carried chiefly in American shipping of the smaller class. The average price was about four dollars a barrel. Wheat went in considerable quantities to Spain and Portugal, and in one or two instances to England, when the ports were open. A large portion of this trade was on foreign account, and in foreign bottoms, which were sent out to this country for the purpose. The price of wheat varied from ninety cents to one dollar a bushel. Indian corn was exported to Portugal, and a brisk trade in this article was kept up coastwise to the eastern and southern states. This business, particularly to the south, has continued to be regular and constant to the present time. This article is brought to the city chiefly from the eastern shore of the Chesapeake in small schooners, and the price has commonly fluctuated between fifty and eighty cents, although it has sometimes risen higher. The fisheries of the Chesapeake consist of herrings and shad, which, in nearly all cases, make a part of an assorted cargo for the West Indies. There is a large consumption at home and in the neighboring states. The quantity of herrings caught in some seasons, at particular fisheries near the head of the Bay, is almost incredible.

During the period under notice, the colonial system was rigorously enforced in all the European possessions, and our trade in the West Indies was consequently much restricted. The returns of colonial produce were scarcely sufficient for the consumption of the country, and of course the carrying trade, except in our own staples, was nearly cut off. But when the Federal Constitution was formed and ratified in 1788, and when the national debt was funded, a most salutary and encouraging change took place; public and private confidence were restored; an impulse was communicated to the main springs of commercial enterprise; and a reviving spirit pervaded every department of society. The certificates of the public debt, which had been selling at one fifth of their nominal value, now rose to par and even higher, and thus a large amount of active capital was at once created. Much of this centred at Baltimore and gave excitement to trade; shipbuilding began to be carried on extensively, and many vessels of the larger class were built. About the same time a deficiency in the grain crops of Europe caused a demand for the wheat and flour of Maryland, and gave activity to that profitable branch of commerce. One or two voyages were also made around the Cape of Good Hope to the Isle of France. In the year 1790, as stated by Mr Griffith,* the *Bank of Maryland* was incorporated with a capital of $300,000, which was the first bank established in Baltimore. The number of vessels belonging to the port in the same year was 102, of all sizes and descriptions; ships, brigs, schooners, and sloops, measuring in the whole 13,564 tons.

The year 1793 brought with it the war of the French revolution, which was soon succeeded by that in St Domingo. When the town of Cape François was attacked, plundered, and burnt by Galbaud and Gambis, such of the inhabitants as had it in their power fled from the island. Fiftythree vessels arrived together in Baltimore on the 9th of July, some of which were laden with rich cargoes, and in which came 1000 white, and 500 colored persons.† Nearly as many more arrived within the three months following. Some of these emigrants were destitute and in distress; the inhabitants took them into their houses, and a private subscription to the

* Annals, p. 129. † Ibid. p. 140.

amount of $12,000 was raised for their relief. The greater portion of these refugees became permanent citizens; the merchandise brought with them was mostly sold in Baltimore, part for home consumption, and part for the European market, to which it was transhipped mostly in American bottoms. This accession of property and population turned out to the advantage of the city, and to this day the excellent vegetable market of Baltimore, second to none in the country, except that of Philadelphia, is ascribed to the industry and skill of the destitute emigrants from St Domingo, who betook themselves to gardening in the vicinity.

The carrying trade now began to gain daily in importance. The state of the war in Europe interrupted the direct trade between the mother country and several of the West India colonies; the Americans took advantage of this crisis; the supplies required by the Islands, being chiefly provisions, were obtained here; they were carried out by our shipping, which brought back in return West India produce; this again was transhipped to Europe in American bottoms; European goods were brought home for the supply of our own market and that of the West Indies, as far as the demand extended; and thus the profits of this wide branch of carrying trade flowed into the United States. The southern situation of Baltimore, and the abundance of the staple commodities for the West India market which it possessed, gave it uncommon facilities for this branch of trade, and they were employed to their fullest extent. Importations from Europe increased by this process, and purchasers from the interior began to direct their attention to a place, where they found a well chosen assortment of goods, and a quick market for country produce. Establishments and agencies from all parts of Europe were fixed in Baltimore; the trade in German linens became particularly important, as connected with the West Indies; it was conducted mainly on account of merchants or manufacturers in Hamburgh and Bremen. Shipbuilding, mechanical employments, and all the common branches of industry flourished, and added to the growth and wealth of the city. The charge for freight more than doubled in a short time, labor of every kind was exceedingly high, and the value of real estate rose in proportion, thus creating with great rapidity a nominal, if not a real capital, which was converted to a com-

mercial benefit, and the profits of which, at all events, were realised.

The embarrassments thrown in the way of commerce by the European belligerents, in the shape of actual and paper blockades, decrees, and orders in council, put the merchants to devising means of evading them, in which the citizens of Baltimore were eminently successful, by reason of the superior models of their vessels. The extensive inland navigation of the Chesapeake Bay, and the waters flowing into it, had excited at an early period an emulation in constructing the vessels for this purpose, till the art of building swift sailing schooners of the smaller size was carried to great perfection. The *Virginia Pilot Boat,* an appellation still given occasionally to the fast sailing vessels built in the Chesapeake, furnished models, which were gradually improved upon and adapted to vessels of a larger class. They were found perfectly suited to the West India, and even the European trade, and in the hands of the intelligent merchant they became instruments of extraordinary enterprise. No one resource has contributed so much to the rise of Baltimore, as the use of this description of vessels, and it is remarkable that they have never been successfully imitated in any place out of the Chesapeake Bay.

The kind of commerce here described continued without interruption till the peace of Amiens in 1801, and the prosperity of Baltimore was unexampled from the breaking out of the French revolution till that time. A partial, though profitable intercourse was opened with the East Indies; in the best period of the Batavia trade this city partook of its due share, and voyages were prosecuted to Bengal and Coromandel. Some attempts were made at the China trade, but with such indifferent success, that they have seldom been repeated. The emigration of several persons from New England, within and before this period, who carried with them industrious and active habits, and to whose agency were entrusted the cargoes of eastern merchants, contributed much to extend and invigorate the commercial character of Baltimore. European manufactures were accumulated in great abundance; a single house paid in one year, on the article of German linens alone, 300,000 dollars for import duties. The sales being made on a long credit, a large fictitious capital

was by this means created, which was employed in the prosecution of the West India trade. But whether the capital was fictitious or real, the profits were the same, and these went into the hands of the merchant, and added so much to the wealth of the city. In such a state of things it would be natural to expect, that deep speculations and private losses would be frequent, but the march of prosperity in the community at large was uniform and rapid. Between the years 1790 and 1800, the population of the city had risen from 13,503 to 31,518, being an increase of 18,011 in ten years. With this ratio of increase the number of inhabitants was doubled in seven years and a half.

The extension of the settlements in the western country, during the period abovementioned, was favorable to the commerce of Baltimore, which, from its relative geographical position, and its facilities of access, had drawn to it not only a large portion of the western trade, but also that of the adjoining states, insomuch that all the secondary ports in the waters of the Chesapeake began to decline, and the profits of their former business became tributary to the rising capital. The Mississippi was not then open to the commerce of the west; steamboats were unknown; produce found its way over the mountains to the Atlantic coast, and especially to Baltimore by reason of its proximity. The commerce with the West Indies and the south of Europe, as we have seen, was carried on from Baltimore, chiefly in vessels belonging to that port, but the coasting trade, and that to the north of Europe, were confined to New England vessels, which supplied the market with the commodities of the Baltic, such as hemp, canvass, iron, and tallow. This New England traffic was never thought very profitable to the city; it took away produce, and thus aided the market; but it was always a complaint, that it caused an injurious drain of specie for the benefit of the India trade of the eastern merchants. Meantime new banks and insurance offices were established in proportion to the increase of business. Sales of West India produce were commonly effected at auction in large amounts, frequently whole cargoes at once, whereas European imports were disposed of at private sale.

From the peace of Amiens, till the declaration of war by the United States against Great Britain in 1812, the commerce of Baltimore, like that of every other part of the coun-

try, partook of the fluctuation of the times. Brilliant successes were followed by reverses, and the bright promise of one day vanished in the disappointments of the next. The short peace in Europe above alluded to, produced a stagnation in the shipping business, and some disastrous results in the concerns of merchants, who were not prepared for the change; the colonial system was enforced by the European states, and our commerce nearly excluded from the West Indies. A partial failure of the grain crops, however, in Europe, at this juncture, which opened the British ports, operated to the advantage of Baltimore, in affording a temporary outlet for one of its staples; and when the war recommenced in 1803, the channels of enterprise were again unclosed. Yet they were never without obstructions; the hostile parties united in throwing impediments in the way of neutral commerce; each to annoy the other was not reluctant to submit to vexatious sacrifices; British blockades and orders in council were speedily retaliated by French prohibitory decrees, till at length these absurd interdictions, as iniquitous in motive as mischievous in their consequences, grew up into what was called the *continental system.* This put a severe check on neutral trade, and at that time no other commercial country except the United States could be considered neutral. Then came our own embargo, as a seasonable retaliation for these aggressions on our neutral rights, and for nearly eighteen months the ports of the whole commercial world were hermetically sealed, as far as imperial edicts, orders of councils, and legislative acts could make them so.

All these shackles were oppressive to the whole United States, but Baltimore suffered less from them than any other city, and in this point of view was comparatively prosperous. Her fast sailing vessels, and the skill of her seamen in navigating them, gave her advantages in these seasons of critical intercourse with the European states, which were possessed by no other port. These facilities enabled her merchants to reap greater profits, than those of any other place, from the trade by special licenses, granted by the French government, inasmuch as they were more successful in eluding British blockades, and more certain of effecting quick voyages. The trade itself, from the circumstance of its difficulty, was exceedingly lucrative; the outward and homeward cargoes were valuable; the former consisting of the staples of the country

and colonial produce, such as cotton, tobacco, coffee, indigo, cocoa, and sugar, all of which commanded high prices in Europe; and the latter being chiefly composed of French manufactures, then substituted for those of England, which were excluded by the nonintercourse act of the United States. This species of commerce was prosecuted mostly from Baltimore, or from other parts of the United States on account of Baltimore merchants, in vessels of the Chesapeake construction. It was no doubt a source of much prosperity to the city.

Meantime the intercourse with St Domingo was never broken off, and it was always peculiarly beneficial to Baltimore, as affording a market for her provisions, and supplying colonial produce for the European demand. The hazard of this trade enhanced its value when attended with success, as it commonly was in the Chesapeake schooners. The war in the Spanish Peninsula rendered necessary in that country large supplies of provisions, the transportation of which, from the termination of the embargo till the beginning of the war with England, afforded employment for the larger class of shipping not engaged in the kind of commerce mentioned above. From the abundance of the flour and salted provisions of the Baltimore market, this city was enabled to enter largely into the peninsular trade, and to reap a proportionate share of its benefits.

Such was the state of things till the declaration of war against England, and even after this event no very perceptible change took place for several months. The intercourse with France was rather more active; the enemy did not molest homeward bound vessels on legal voyages, and special licenses were granted by the British government for carrying provisions to Spain. During the first year of the war Baltimore experienced the benefit of her peculiarly constructed vessels; the enemy's ships occupied only the entrance of the Chesapeake, the navigation of the Bay and its numerous tributary waters was open and unmolested; privateers were fitted out, which made successful voyages, and returned with their prizes on account of Baltimore merchants to other more accessible ports of the United States. The obstructions, thrown in the way of commerce by the war, found some compensation in the relief which it brought from the restraints on neutrality; British decrees became void in respect to

American citizens acting under the laws of the Union, and enterprise could legally run into any channel, which did not involve a direct intercourse with the enemy. Thus it was sometime before any serious hardships were felt. At length a blockade of the Chesapeake and Delaware was declared, and licensed ships returning from the Peninsula were not suffered to enter either of these bays, but were compelled to repair to New York, or some eastern port. In the second and third year of the war the enemy became more vigilant, and in 1813 took entire possession of the Chesapeake Bay. Baltimore was thus nearly excluded from a communication with the ocean; but enterprise did not cease; business was transacted in other ports for the benefit of Baltimore merchants, and with the aid of her capital and shipping, and even under all the disadvantages of the war, the prosperity of the city was but little checked.

About this time a series of events took place, which had a strong influence on the subsequent commercial interests of Baltimore, and which may be properly noticed here. The first bank of the United States, established 1791, had hitherto, in conjunction with the local banks in the principal cities, furnished a uniformly circulating medium adequate to all the purposes of commerce. When its charter expired in 1811, and a renewal of it was refused, the consequence was the creation of a great number of new local banks throughout the Union.

The Chesapeake being the first point invaded by the enemy's forces, and Baltimore and the secondary ports in the neighborhood being among the earliest places excluded from external communication, commerce naturally retired to those parts east and south, which were left for a much longer time unmolested. In this posture of circumstances it was immediately perceived, that the specie of these intermediate ports, which gave stability to the banks and to credit, would be drained toward the places of greatest activity, to the manifest detriment of the banking institutions from which it was drawn, and also to the commercial facilities of the people. To prevent such a result, recourse was had to a suspension of specie payment by the banks in the middle districts of the United States.

This measure was dictated at the time by necessity, and would have been consistent with sound policy, if a proper

moderation had been practised in the creation of a fictitious medium. British exchange was then very low all over the world, and owing to the almost total exclusion of British manufactures, it was especially so in this country, being at one time twenty per cent below par, and seldom higher than ten below. This was a fruitful source of the imaginary value given to the fictitious medium, then fast creating by the banks, which no longer felt the restraints of specie payments. The wants of the government were daily increasing; repeated loans were required to defray the expenses of the war, which could only be negotiated in this medium, for no other was to be obtained. These loans were in many cases taken up by individuals, who were favored with extraordinary advantages at the banks; they were the means of adding to the nominal value of the fictitious paper currency by increasing the demand, till at length such quantities were thrown on the public, as no reasonable man could expect would ever be redeemed by a metalic basis. The prices of all kinds of commodities were carried up by this forced value of the medium of exchange, and these again reacted in keeping up the nominal value of the currency. By reason of this ready demand for their paper, the banks made great dividends; no business held out such golden prospects as bank making, and as every body desired to be as rich as his neighbor, and in the shortest way, these institutions multiplied with astonishing rapidity, till almost every obscure village in the country had its bank. The next thing was to loan money to every farmer and mechanic who would borrow; real estate was taken in pledge, and thereby its value raised to an unnatural elevation, just in proportion to the facility with which paper could be procured at the bank; the higher the value, the more the paper, and the contrary. This farce was carried on for a time with overflowing success. At length the interest on the loans was demanded; the borrowers could not pay; they obtained accommodations at the banks, and again these were renewed, and renewed, but this process afforded no ultimate relief to unlucky delinquents. The money so easily obtained had slipped as easily away; and as the whole was a fiction, the mere shadow of a substantial medium, which did not exist, it is not wonderful that a shadow only was retained. As the bank makers began with nothing but paper and ink, and the borrowers paid nothing but property pledged on a fictitious

value, it was natural enough that the whole should end in nothing except a series of embarrassments, vexations, and distresses, in which the folly and preposterous acts of the parties had involved themselves. The ancient maxim, *de nihilo nihilum*, is not more true in physics, than in its application to this mode of creating riches.

These remarks do not apply exclusively to any particular year or place. The primary cause of the multiplication of banks was the annihilation of the old bank of the United States; the evil was increased during the war; but it was not brought to its crisis till two or three years after the peace. Baltimore, from its local position, was deeply engaged in these operations; as the business of the city became in some measure contracted by the blockade of the Chesapeake, and the banks were relieved from the wholesome check of specie payments, they allowed liberal credits to borrowers, and thus enabled individuals to negotiate extensive loans with the government, and to prosecute business on a scale much beyond the limits of their actual means. These indulgences contributed to unsettle, rather than establish the foundation of commerce; however they might give a temporary spur to enterprise, they proved injurious in the end, not more to the individuals who received them, than to the banks themselves, and the community at large.

After the peace with England in 1815, the merchants of Baltimore, in common with those of every other part of the United States, resumed their former commercial operations with enthusiasm and sanguine anticipations. The effect on the city was sudden and most encouraging; a rapid influx of population immediately followed; activity pervaded every class of society, and every branch of industry. Grounding enterprise on previous success, foreign commerce was taken up with avidity. The vessels belonging to the port, which had been scattered in various parts of the United States during the war, were now called home; a considerable accession to the tonnage had taken place by the prize ships, and by purchase from other places. The trade to China, Batavia, Bengal, and other parts of Asia was resumed; the intercourse with Europe was briskly renewed; and the accumulated produce of the country was quickly despatched to the proper markets. European imports, and particularly British manufactures, were introduced in the greatest abundance, and it

may be doubted whether at any period the business of Baltimore was more active, or its apparent prosperity more flattering, than for the three years succeeding the war. Real estate rose to a higher value than it had been known to possess before, numerous dwelling houses were erected to accommodate the increasing population, and rents became exorbitant.

But this delusive prosperity was not peculiar to Baltimore; the whole country was drawn into the snare; and the combination of causes which led to it, arising from the great changes in the events of this country and of Europe, as well as its general and fatal consequences, are too well known to be dwelt upon here. For reasons sufficiently obvious to those who consider what has been said above, and some other particulars which we proceed to state, Baltimore suffered more than any other city.

In the first place, the spirit of enterprise, which had always existed here to an uncommon degree, and which had built up a large city with a rapidity unequalled in the annals of the whole world, broke out with an ardor proportioned to its former activity, and to the impatience with which it had submitted to the restraints of the war. The exuberance and quickening power of the commercial spirit of Baltimore, beyond those of any other place, in many respects similarly situated, are easily accounted for. Among the inhabitants, by whom the business of the city was transacted, scarcely one was a native; they had come together from various quarters of the world, from England, Scotland, Ireland, Germany, Holland, New England, and the middle and southern states; each emigrant doubtless had his personal motives, but it was the spirit of enterprise which brought him there, and without which he would have staid at home. This was the predominant trait in the character and habits of each individual; the mass of the population naturally harmonised with its component parts; and by this union of energy, feeling, and temperament, an extraordinary impulse was perpetually communicated to the wheels and springs of business. Add to this the knowledge, which the mass thus collected must have had of the markets and modes of commercial proceedings in other countries, and the facilities thus enjoyed for prosecuting every species of intercourse to the best advantage. These causes had produced wonders in creating the city, and in clothing it

with unexampled prosperity till 1815. From that date their action became too violent; their energy and scope were not suited to the times; the great revulsion, which must necessarily take place on the cessation of a twenty five years' sanguinary war in Europe, was not taken into the account; the new state of things growing out of the peace in this country was not anticipated; and the very enterprise, which in other times had wrought so much for public and private good, now opened a broad road to disaster and ruin.

But the greatest evil, which afflicted Baltimore, and one to which this excess of commercial activity may be at least partially ascribed, was that in which the banks had the chief share. The origin of the mischief has already been hinted at; we will now pursue the subject into some other of its branches.

We have seen, that before the war terminated, the banks were unrestrained in their issues of paper, and to accomplish this end they granted almost unlimited advantages to merchants. This practice increased on the temporary revival of commerce after the war, and by this encouragement an alarming system of accommodation and interchange of responsibility took place between individuals, the fatal tendency of which was not anticipated, while the banks themselves were not pressed. The high price of provisions in the interior for the supply of the army during the war, and the creation of a vast number of minor banks in every quarter, had diffused through the country an excess of circulating medium, which enabled country merchants not only to pay up old arrears in many cases considered desperate, but also to make new purchases, and thus to establish a credit, which they used to its full extent. Meantime there existed between those places, which had what was called a metalic currency, or in which specie payment was made at the banks, and those in which a paper currency only prevailed, a large difference of exchange, or discount, which operated as a serious embarrassment to every kind of business. This difference between Boston and Baltimore was at one time from fifteen to twenty per cent in favor of the former, which difference increased as you approached Baltimore, and again as you proceeded south, though in a less ratio. The difference extended in various degrees to the country banks, in proportion as they lost their credit; traders in the interior were constant losers by the deprecia-

tion of the currency around them, and were unable to pay their debts contracted with the wholesale dealers, except in a currency which had fallen many per cent in value since the time of the purchase.

At this crisis an equalisation of currency throughout the country, or the introduction of some medium, which should have a standard and uniform value, seemed to promise the only remedy for existing evils, and to indicate the only efficient means of restoring trade and confidence to a sound condition. This was a principal argument for the establishment of a national bank, which soon followed. To give credit and solidity to the institution it was set up on the basis of specie payment, and several millions of specie dollars were purchased in Europe to supply its vaults. It became necessary of course for the private banks to prepare for specie payment, if they would any longer sustain their credit, and not be ruined by the loss of business, and the depreciation of their bills. But this it was impossible to do at once, except in a very limited degree, and the state of commerce was not prepared for so sudden and considerable a curtailment of discounts as this measure required ; the effect was instantaneous embarrassment ; one institution and one individual pressed on another ; all were involved in engagements and responsibilities, from which they could be relieved in no other way than by a very gradual process. For surmounting the difficulties thus suddenly created, various methods were resorted to, each of which was almost equally desperate ; the results of ordinary commerce could not be waited for ; ruin threatened to be at the door before they could be realised ; and in many cases the remnant of private credit, that still remained, was employed in hazardous enterprises, which promised the most speedy means of raising money.

The extraordinary manner in which the bank of the United States allowed its instalments to be paid, that is, by receiving in payment the very money of the bank itself, which had been lent on the security of the stock, induced many persons, who had sufficient influence in procuring these facilities, to embark deeply and desperately in the stock of that institution, with the belief, no doubt, that its value would continue to be enhanced. Various projects were devised for forcing up the credit of the bank. The value of the stock actually advanced with considerable rapidity, the adventurers became

more and more sanguine, and were led on by this delusion to involve themselves deeper and deeper. By the practice of specie payment, to which the bank rigidly adhered, it was in no long time nearly drained of its supply. The evil soon began to be felt; the bank was compelled to press its debtors; the value of the stock first vacillated and then declined; everything went backward faster than it had advanced. The administration of the bank became unpopular, no sympathy was expressed for its embarrassments, a harsh investigation with unnecessary publicity exposed its situation, and injured its credit, so that in the space of a few weeks the stock fell nearly one third of its nominal value, and went down to ten per cent below par. The loss to the mass of the stockholders was several millions. This consummation took place in the year 1818; it ruined many, who had incautiously adventured their whole fortune in the speculation, and as a large number of the citizens of Baltimore were thus situated, the city met with a severe reverse in the losses they sustained. A principal part of the active commercial capital was drawn from its accustomed channels, several of the most enterprising merchants were deprived of their means, and even those who escaped the storm were terrified at the shock, and became doubtful, hesitating, timid, and inactive. This may with truth be said to have been the darkest period in the history of Baltimore.

For the two or three years succeeding this event commerce was languid, the value of real property was much reduced, and the aspect of the city bore obvious marks of decline. Within the last three years, however, a change auspicious in its presages of the future has gradually taken place, capital and enterprise are again becoming active, and the tranquil tenor of the times will be likely to settle commerce down on a more solid and secure foundation than heretofore. The fatal experience of the past will at least have the benefit of teaching no unprofitable lesson for the future, and of imposing a timely check on the operation of any similar cause, which may hereafter threaten to endanger the vital interests of the city.

The subjoined tables exhibit a very full and complete view of the state of commerce in Baltimore, in the years 1822 and 1823, as far as it can be ascertained from the value, kind, and quantity of its exports, and the amount sent to different countries both in American and foreign shipping.

Exports of Domestic Produce and Manufactures to Foreign Countries from the Port of Baltimore, during the Years 1822 *and* 1823.

ARTICLES.		1822.	1823.	ARTICLES.		1822.	1823.
Flour,	barrels	205,345	244,955	Spermaceti Candles,	lb	56,100	33,720
Tobacco,	hogsheads	19,250	21,733	Oil,	gallons	950	2,015
Flaxseed,	bushels	15,659	25,417	Linseed Oil	"	1,050	600
Staves,	M	1,687	1,335	Spirits of Turpentine,	"	735	60
Boards,	M feet	380	190	Spirits from Grain,	"	12,660	2,517
Shingles,	M		175	Beer,	doz. bottles	2,166	216
Pitch and Tar,	barrels	1,837	451	Rum,	gallons	1,045	
Rosin and Turpentine,	"	515	1,441	Manufactures of Wood,	dollars	5,120	
Oak bark,	dollars	2,700	9,202	House Furniture,	"	46,400	17,319
Salt Beef,	barrels	2,477	897	Sundry Manufactures,	"	78,000	21,661
Salt Pork,	"	5,950	4,025	Saddlery,	"	8,750	6,119
Bacon and Hams,	lb	171,200	159,267	Hats,	hats	5,256	8,848
Hogs' Lard,	"	442,000	385,623	Boots,	pair	1,490	534
Butter,	"	56,700	198,778	Shoes,	pair	11,230	7,070
Cheese,	"	29,800	34,836	Leather,	lb		4,067
Soap,	"	733,600	729,243	Manufactured Tobacco,	"	27,100	26,173
Tallow Candles,	"	56,000	87,507	Iron Manufactures and Castings,	dollars	8,110	1,311
Indian Corn,	bushels	13,400	32,752	Nails	lb	16,100	11,856
Corn Meal,	barrels	3,800	2,565	Cordage,	cwt	470	55
Rye Meal,	"	1,240	829	Refined Sugar,	lb	55,800	4,582
Rye, Oats, and Wheat	dollars	6,250	3,165	Gunpowder,	"	39,000	65,075
Biscuit,	barrels	3,750	2,988	Copper and Brass,	dollars	7,060	8,271
"	kegs	4,070	4,671	Drugs,	"	4,760	3,277
Potatoes,	bushels	740	4,435	Hides,	"	850	3,268
Apples,	barrels	240	835	Lead,	lb	5,500	
Bees Wax,	lb	15,200	11,364	Horses,	head	10	
Skins and Furs,	dollars	12,260	12,239	Horned Cattle,	"		34
Rice,	tierces	3,480	1,561	Pot and Pearl Ashes,	tons	8,700	16
Cotton,	lb	844,746	382,503	Hops,	b		1,375
Salt Fish, qu'ntl. dried,	qts dried	4,790	2,809	Coaches,			40,302
" " Pickled,	barrels	3,950	6,896	Various produce,			

Exports of Foreign Produce and Manufactures from Baltimore, in the Years 1822 *and* 1823, *to Foreign Countries, shewing the Amount exported to each Country, and the specific Proportions of some of the principal Articles of Colonial Staples.*

Countries.	Total value in dlls.		Coffee.		Sugar.		Cocoa.		Cotton.		Pepper.	
	1822.	1823.	1822.	1823.	1822.	1823.	1822.	1823,	1822.	1823.	1822.	1823.
			lb.	lb.	lb.	lb.	lb.	lb.	lb.	lb.	lb.	lb.
Holland,	165,232	156,358	161,800	518,050	437,800	271,942	8,100		16,000			
England,	640	3,114										
France,	21,220	464,433		1,591,612		264,652		14,175		47,866		
Germany,	178,020	203,272	547,800	589,350	75,000	156,254			4,000			
Sweden,		10,091				40,732						
Spain,		26,832		72,370		178,452						
Turkey,	165,610	97,448	28,900	438,549			8,600					
Italy,		40,394		204,877								
Gibraltar,	59,000	27,922	217,300					435,256				
Cuba,	17,530	93,774										
Hayti,	82,000	60,782									9,000	
Spanish S. America,	372,000	585,333	6,000		779						46,450	8,997
Brazil,	38,670	15,169										
West India Colonies. Danish,	15,120	34,967										
West India Colonies. British,		20,357										
West India Colonies. Spanish,	900	2,163										
West India Colonies. Swedish,	4,330	748										
West India Colonies. French,	570											
West India Colonies. Dutch,	21,000											
Dutch East Indies,	137,280											
Teneriffe,		698										
In American bottoms,	1,259,972	1,747,574										
In Foreign do.	19,150	96,281										
	1,279,122	1,843,855	1,021,800	3,414,808	512,800	912,032	16,700	449,431	20,000	47,866	55,450	8,997

Exports of Domestic Produce and Manufactures to Foreign Countries from the Port of Baltimore, during the Years 1822 *and* 1823, *showing the Amount of Exports to each Country respectively, and specifying the Proportion in American and Foreign Bottoms.*

Countries.	1822.			1823.		
	in Am. bottoms.	in Foreign botts.	Total value.	in Am. bottoms.	in Foreign botts.	Total value.
Holland,	$ 761,336	$ 6,940	$ 768,276	$ 697,721	$ 69,954	$ 767,675
British Dominions in Europe and N. Am.	153,658	8,450	162,108	103,162	18,164	121,326
France,	13,244	4,538	17,782	26,363	2,233	28,596
Spain,				1,005		1,005
Portugal,				3,152		3,152
Sweden,					13,719	13,719
Germany,	299,560	124,557	424,117	305,058	117,657	422,715
West India Colonies. British,	114,531		114,531	262,947	11,199	274,146
West India Colonies. Danish,	204,650		204,650	218,240		218,240
West India Colonies. Swedish,	100,800		100,800	57,715		57,715
West India Colonies. French,	19,030		19,030	40,005		40,005
West India Colonies. Spanish,	4,820		4,820	42,599	30,867	73,466
West India Colonies. Dutch,	55,560		55,560	20,797		20,797
Hayti,	204,050		204,050	323,048	1,339	324,387
Cuba,	160,340	166,860	327,200	267,901	91,942	359,843
Spanish Provinces in S. Am.	450,600	10,700	461,300	277,259	4,437	281,696
Coast of Brazil,	355,540		355,540	251,903		251,903
Teneriffe, Madeira, and Cape of Good Hope,	20,270	1,200	21,470	16,399		16,399
Turkey and Levant,				473		473
Gibraltar,				134,957		134,957
Africa,				7,839		7,839
In American bottoms,	$ 2,917,989			$ 3,058,543		
In Foreign bottoms,		$ 323,245			$ 361,511	
Total in 1822.			$ 3,241,234	Total in 1823.		$ 3,420,054

From the last table we have the following results, as the total amount of exports in two years.

	1822.	1823.
Domestic articles in Amer. bottoms	$2,917,989	$3,058,543
" " Foreign do.	323,245	361,511
Foreign articles in Amer. do.	1,259,972	1,747,574
" " Foreign do.	19,150	96,281
Total export to foreign countries	$4,520,356	$5,263,909

It appears from these results, that the increase in the amount of exports during the year 1823 was $743,553. In the year 1824 the increase has been much larger, as the trade to Europe and the West Indies has been gaining, and that of South America in particular has advanced very rapidly.

From the first table it will be seen, that flour and tobacco are the two chief articles of export. In fact these two amount to nearly as much as all the rest. The prices of these articles are so fluctuating, and that of tobacco in particular depends so much on the quality, at all times extremely variable, that it is impossible to form any exact estimate. We have seen the average stated by good authority to be about fifty dollars a hogshead. At this rate the amount exported in 1823 would be $1,086,650. Allowing the average of flour to be four dollars and a half a barrel, the amount exported in the same year would be $1,102,288.

The following table will show the quantity of wheat flour inspected in Baltimore annually, during the last twentyfive years, that is, from 1798 to 1823 inclusive.

Yrs.	Bbls.	1-2 Bbls.	Yrs.	Bbls.	1-2 Bbls.	
1798	247,046	17,612	1811	516,269	27,566	The year 1808 was influenced by the embargo.
1799	264,211	18,639	1812	537,988	29,423	
1800	265,797	15,227	1813	285,466	11,854	1812. First year of the
1801	349,749	19,604	1814	154,816	2,699	late war, but large shipments were made under British licenses, to supply their troops in Spain and Portugal.
1802	358,705	21,857	1815	381,580	13,525	
1803	396,178	21,060	1816	387,780	14,392	
1804	255,232	11,223	1817	392,676	12,215	
1805	326,988	17,007	1818	434,865	19,052	
1806	342,425	16,698	1819	454,469	22,468	1813 and 1814. Continuation of war, but licenses ceased.
1807	479,429	21,542	1820	570,551	23,004	
1808	255,191	5,984	1821	469,920	27,766	
1809	413,169	20,219	1822	413,231	33,461	
1810	354,259	19,392	1823	427,366	30,204	

If we take the difference between the whole quantity inspected in 1823, and that shipped to foreign countries, as specified in the table of exports above, we shall have 197,513 barrels for the quantity of Baltimore flour consumed that year in the United States. From these accounts it would seem, that Baltimore has been for many years the largest flour market in the world. New York is perhaps the next, although we have not at hand the means of ascertaining the annual amount of inspections. The returns of Philadelphia give 270,527 barrels for 1822, and 296,171 for 1823, being a little more than two thirds the amount for the same years in Baltimore.

In the city, and within the compass of twenty miles around it, are upwards of sixty flour and corn mills, of various classes and descriptions, the capital invested in which is somewhat more than $1,200,000. Four of these are ranked in the first class, three of which are moved by water and one by steam. The greatest year's work performed by one of these mills has been 32,000 barrels. The others have made from 26,000 to 27,000 barrels each, and either of them can make 200 barrels in 24 hours. The average, one year with another, is from 16,000 to 18,000 annually. There are seven mills of the second class, which perform less, never having done more than 23,000 a year, and averaging from 11,000 to 13,000. They can make from 100 to 120 barrels in 24 hours. Fourteen mills of the third class average about 9,000, and four of the fourth class about 4,000 each. The fifth class embraces all that remain, and they are of various power and extent.

It is natural to suppose, that where so much property is invested, and operations are conducted on so broad a scale, great perfection would be attained in the economy of business, and the construction of machinery. Such is the case with the Maryland flour mills; improvements dictated by experience have been introduced, and a mill of the first class in full action presents a combined impression of power, ingenuity, and quick execution, which can hardly fail to astonish the mind, that contemplates it for the first time.

The following table indicates the amount of inspections, in the city of Baltimore, of some of the principal articles brought to that market during the last thirteen years, or from 1811 to 1823 inclusive.

Yrs.	Pork. bbls.	Beef. bbls.	Herrings. bbls.	Shad. bbls.	Lard. kegs & casks.	Butter. kegs.	Domestic Spirits.
1811	10,847	2,364	33,711	5,338	5,070	3,437	985,941 gals.
1812	6,590	5,386	43,096	5,556	5,362	2,439	977,031
1813	2,722	1,898	23,118	2,706	2,626	1,872	788,139
1814	3,488	902	18,903	2,907	1,461	1,539	726,099
1815	3,970	4,284	25,401	3,861	5,465	5,305	767,910
1816	8,477	3,315	45,799	5,350	3,933	6,677	994,581
1817	7,776	6,631	51,353	6,379	5,105	7,374	953,460
1818	14,836	4,605	56,452	7,028	4,686	3,504	1,545,720
1819	8,746	4,529	61,365	11,672	6,823	4,798	1,487,052
1820	8,685	5,001	41,452	7,658	6,130	5,410	1,427,796
1821	12,964	4,458	46,663	8,771	5,229	1,641	1,399,647
1822	9,992	2,379	37,526	6,595	15,101	7,302	1,578,030
1823	7,374	2,709	47,222	6,862	9,027	8,502	1,046,442
Average for the last 10 years.	8,630	3,881	43,213	6,618	6,292	5,305	

Flaxseed is also an article of importance in the export trade, but for some reason the inspection has been imperfect. Some years exhibit no returns. In 1815 the number of hogsheads inspected was 5,907, and in 1823 it was 3437. The table of exports gives 25,417 bushels for the quantity exported this latter year.

The preceding details are sufficient to enable the reader to obtain a general acquaintance with the present state of commerce in Baltimore, and to convince him that the extent of its resources and intercourse is such, as to insure the stability of its commercial character, and a gradual and uniform growth, as the population and business of the country increase. We will now touch on another subject nearly allied to the above, and one which is every hour assuming a more important bearing on the future prospects of the capital of Maryland. The *manufacturing interest* is now taking deep root there, and the facilities for prosecuting it with effect and advantage are so great, that it may be expected, at no distant day, to become a powerful and certain auxiliary in contributing to the wealth, prosperity, and advancement of the city.

The geological features of the country, around the western head waters of the Chesapeake, are peculiarly favorable for the attainment and use of water power in propelling machinery. The streams running into the Bay are numerous; the alluvial soil on its margin is so narrow, that the tide water almost washes the base of the hilly formation; the country gradually rises to an elevation of several hundred feet in suc-

cessive ridges as you go into the interior, down which the waters are precipitated in their progress to the Bay. So remarkably is this the case in the neighborhood of Baltimore, that five of the principal streams were by the first settlers emphatically denominated from this circumstance the *Falls.* Eight streams, each of which is capable of being converted in a greater or less degree to the purposes of giving motion to machinery, discharge themselves within a small distance of the city.

The table on the next page is constructed on the principle well ascertained, that the power required to drive a pair of six feet burr millstones is equal to a ten horse power of a steam engine, or to that employed for 2000 spindles in cotton manufacture with their appendant machinery. From this calculation it appears, that there is, near the city, water power sufficient for 472,000 spindles, and that a power equal to 324,000 spindles is now employed in various kinds of manufactures, leaving 148,000 still unemployed. And it will be observed, that the whole of this power, with the exception of three streams, the Great Gunpowder, Winter's Run, and Patapsco, is within *ten miles* of Baltimore.

Mr Trimble, member of Congress from Kentucky, in his letter to his constituents on the subject of the proposed Ohio and Chesapeake Canal, says, that 'there is no equal space of ground in the Union, that has so much natural water power, united with as many local facilities, as the circle around Baltimore of thirty miles radius;' and General Harper gives it as his opinion, in his speech on canals, not from actual calculation, but from data in which he confides, that a semicircle of *twenty miles* radius, of which Baltimore is the centre, 'contains water power sufficient to put in motion from 1,000,000 to 1,200,000 spindles, with a corresponding number of looms, and all the machinery necessary for their repair and their complete operation.' p. 36. Less than one fourth of this, he says, is now occupied by flour mills.

Summary Statement of the Millstreams in the Vicinity of Baltimore, with an Account of their respective Power to drive Machinery, and the Works now in Operation.

Names of the Streams.	Total amount of the Fall in the stream within a certain distance of the city.		Each millseat, with various fall of water will drive — pair of millstones.	Total capacity of the stream, reduced to an average of the whole year, expressed in			Number of Works of various descriptions at present existing on each stream.									Amount of Mill Power yet unoccupied, expressed in Spindles of Cotton works.
	Fall in Feet.	distance in miles.		Pair of 6 feet millstones.	Cotton spindles including all the appendant machinery.	Horse power.	Flour Mills.	Cotton Manufactories.	Iron Works.	Wollen and Carding.	Paper Mills.	Powder Mills.	Copper Works.	Chocolate.	Saw Mills.	Old Iron Works no more in operation.	
Patapsco Falls,	183	10	3	45	90,000	450	3	5	2				1		5		15,000
Great Gunpowder do.	300	30		75	150,000	750	2	2	3				1		4		75,000
Little Gunpowder do.	140	10	2	16	32,000	160	3	1	1						3		8,000
Jones' do.	259	9	2	25	50,000	250	13	2				1			4		
Gwinn's do.	366	10	2	30	60,000	300	15	1		1	1	2			3		12,000
Herring Run,	150	5	1	4	8,000	40	5										2,000
Union Run,	106	5	1	2	4,000	20	3							1			
Winter's Run,	106	25	2	11	22,000	110	2				1				3		8,000
Patuxent West Branch,	143	20	2	16	32,000	160	4								3	1	16,000
Do. North Branch,	132	16	2	12	24,000	120	2	1							2	1	12,000
Totals.				236	472,000	2,360	52	12	6	1	2	3	2	1	27	2	148,000

The three first cotton factories in the neighborhood of Baltimore, namely, the Union, Pawhatan, and Washington, were established during the commercial restrictions just before the late war with England, and were of course greatly favored in their early progress by the circumstances of the times. Soon after the war they began to feel the influence of European competition, and to decline. Too much capital had been embarked in these enterprises, however, to abandon them, and they were pursued with zeal and energy in defiance of many difficulties. The people in the interior had gradually become accustomed to the use of these domestic fabrics, and they were not easily disposed to relinquish them in favor of European or India goods, which were found, in those main qualities of strength and durability, to be inferior to our own. This circumstance, and the success of the factories in the eastern states, were strong inducements not only to persevere in what had been done, but also to engage in new undertakings. Other establishments were erected with improved machinery, the proprietors of which, profiting by the experience and errors of their predecessors, have found their anticipations abundantly realised. Factories are now multiplying, built on the best construction and with the modern improvements, and there is little reason to doubt, that the water power now unemployed will be converted to purposes of manufacture, chiefly of cotton. The greater part of the yarn manufactured at present is wrought into cloth, either by power looms at the factories, or by hand looms in and about the city. The western and south western states purchase and consume large quantities of this fabric ; the Spanish and Brazilian provinces in South America and Mexico begin to make a large demand ; and the fairest promises are held out for the prosperity and success of this branch of industry.

The names, number of spindles, and capacity of the cotton factories around Baltimore, may be learnt from the annexed table.

Cotton Manufactures in the Vicinity of Baltimore.

Names of the Works.	Names of the streams on which they are situated.	Number of factory houses.	Number of Spindles.		Number of Power looms.	Dressing frames.	Printing tables	Number of persons at present employed within the works.	
			In actual operation.	In contemplation, or capacity of the works.					
Union Company,	Patapsco,	2	4,264	10,000	76			600	One of the factory houses was burnt some years ago with all the machinery, but is now rebuilt and will shortly be in operation, with a considerable addition of spindles and looms. The quantity of yarn now annually made is 240,000 lbs. averaging No. 12 1-2.
Powhatan,	Gwinn's Falls,	1	4,200	6,000	54	3		300	Weave 700 yards daily.
Warren,	Gr. Gunpowder,	2	6,500	7,000	125		6	600	Daily quantity of raw cotton consumed 1,190 lbs.
Patapsco,	Patapsco,	1	2,000	2,000	24			150	In regular operation.
Washington,	Jones' Falls,	1	1,600	3,000	14	1		150	Progressive.
Lanvale,	Same,	1	2,000	5,000				300	Same.
Maryland,	Lit. Gunpowder,	1	1,200	2,000	24			100	Consume at present annually about 200 bales cotton.
Thistle,	Patapsco,	1	1,000	6,000	100			100	In rapid improvement.
Ivy,	Same,	1	1,000	1,000	28			100	In operation.
Savage,	Patuxent,	1	1,000	5,000	120			200	Same.
Eagle,	By Steam, within the City.	1	2,240	2,240				200	Manufacturing largely of cotton sailcloth of superior quality, consuming annually 300,000 lbs. cotton.
	Totals,	13	27,004	49,240	565	4	6	2,800	

The Union Factory, which stands first on the list in the table, and is ten miles from the city, enjoys very great advantages, as described by General Harper. 'The canal, or mill race, is about a mile and a quarter in length, gaining a fall sufficient for two sets of wheels, one below the other; and the quantity of water is estimated to be sufficient for eight wheels to each set. This gives sixteen wheels, each of which can put in motion 5000 spindles with all the accompanying machinery. This makes 80,000 spindles upon one stream, and within the space of a mile and a half.' The table estimates the capacity of the works now built, when carried into full operation, to be 10,000 spindles.

The Savage Factory is an establishment recently erected, sixteen miles from the city, and half a mile from the bridge where the Washington turnpike crosses the Patuxent. In its local situation, water power, and ready intercourse with the city, it possesses uncommon advantages. The fall is 50 feet, and as the whole body of the river, if necessary, can be turned into the canal, the water is sufficient to carry several wheels. The machinery thus far used has been constructed with great care after the best models, embracing all the late improvements. In connexion with this factory a very extensive and complete bleaching establishment has been put in operation.

The Warren Factory employs six hundred persons, and is beginning to execute cotton prints. This factory and some others, of which we have not been able to obtain particular information, are represented as in a state of rapid prosperity.

There is a thriving woollen factory five miles from town, containing 650 spindles, and 22 power and hand looms, with every branch of machinery necessary for manufacturing superfine cloth and kerseymeres. The establishment employs 70 persons, and works 750 pounds of wool in a week.

A few miles from the town, and in different situations, are four extensive Iron Works; ore is abundant and they are carried on with a large profit to the proprietors. An establishment for manufacturing copper into a great variety of articles, works annually about 600,000 pounds of raw copper. In Frederick County, Maryland, there are coppermines of considerable promise, which produce a rich sulphuret; they have been but partially wrought, and their extent and im-

portance are not fully known. The copper, which covers the great dome of the Capitol at Washington, was manufactured from the ore of these mines. In the city a chemical laboratory on a large scale is in operation, and manufactures almost all kinds of chemical preparations used in the arts and in medicine, such as allum, vitriol, aqua fortis, chrome yellow, and the acids generally. Chrome in its crude state, so rare in most parts of the world, is found in great quantities in Baltimore county. A white lead manufactory works about 250 tons of the raw material annually, some of which is brought from Missouri, and the remainder from a mine recently discovered in Wythe county, Virginia, which is the best, and of an uncommonly pure quality. Glass, shot, iron casts, printers' types, pottery, sugar refining, distilling, saddlery, leather, hats, house furniture, oilcloth carpeting, agricultural implements, and various other manufactures, which we cannot here enumerate, are prosecuted in Baltimore, give employment to a large number of persons, and add to the wealth of the town.

In looking over the brief historical and statistical sketch here given, it will be seen that the rapid and prosperous growth of Baltimore may be referred to three or four prominent causes, in many respects peculiar to that city. In the first place, the local situation of the town ensured to it extraordinary advantages, in presenting the nearest market to the western country, and especially in concentrating to one point a great proportion of the trade of the Chesapeake, which was before divided among several small ports. Wealthy planters formerly shipped their produce, and imported European and West India supplies in their own names. As the city increased, they found it more convenient to seek a market there, both to dispose of their produce and make their purchases. This gave employment to agents, brokers, merchants, shipbuilders, and seamen, whose wages and profits, derived from this business of effecting the exchange between the planter and foreign manufacturer, helped to build up the town. Secondly, the fast sailing vessels built in the Chesapeake, and nowhere else, contributed more than any one cause, probably, to the unexampled prosperity of trade at times, when other commercial cities of the Union were either languishing, or making but a slow progress. A third cause

was the almost exclusive intercourse with St Domingo for a long period, when commerce to that island was exceedingly profitable. Fourthly, the two great staples, flour and tobacco, for which the demand is always sure, and the supply unfailing. And lastly we may add, as by no means the least cause, the enterprising spirit of the people, much more energetic in its combined and continued action, than that of any other city in the United States, for reasons already assigned.

These causes, some of them from their very nature, and others from the change of times and circumstances, do not any longer exist in the same force and bearing as formerly; and in looking to the future progress of the city, no accurate predictions can be made from the results of the past. The trade of the Chesapeake, enough of itself to support a large city, will always centre there, but this trade will hereafter be steady and uniform, unmarked by such sudden changes as occurred in the early days of the rising capital. It will sustain itself, and increase, as the inhabitants multiply on the borders of the Bay, and in the country watered by the rivers flowing into it, and thus secure to Baltimore permanently from this quarter the advantages already gained. As to swift sailing vessels, their superiority will no doubt continue to be felt in making quick voyages, but this superiority in times of peace and tranquillity is of comparatively little consequence. The great benefits of these vessels can be experienced only when commerce is shackled by the restrictions of war, and the seas are infested with hostile navies and privateers. The West India trade will always be profitable to Baltimore, as it takes off provisions, the supply of which is inexhaustible, and the demand large, and returns coffee and sugar, products of very extensive and increasing consumption in the United States.

Of all these and other ordinary sources of commerce Baltimore will retain a full proportion, but the advantages, which may be considered peculiar to this city, and on which its future prosperity will very much depend, are its uncommon facilities for manufactures, beyond those of any other place in the middle and southern States, and the profitable trade that will necessarily be kept up in manufactured articles with the western country and South America. By means of good roads the communication with the interior is direct and easy.

Between the years 1805 and 1810 three turnpikes were made by chartered companies, leading from the city to different points in Pennsylvania and the western part of Maryland. These were called the York, Reistertown, and Fredericktown turnpikes, and were built in the most thorough and substantial manner, to resist the weight and wear of the enormous waggons in which flour, wheat, and other produce are usually brought to market. The average cost of these roads was from 8,000 to 10,000 dollars a mile. More recently four other turnpike roads have been finished, the Washington, the Falls, Belle Air, and Havre de Grace, making in the whole, seven broad and well constructed avenues proceeding from the city to various parts of the country.

The great national road from Wheeling to Cumberland has been continued by the banks in Baltimore, and three other banks in the western districts of Maryland. They were required by the state to make fiftyeight miles of this road on the same construction as the national road. This duty was imposed as a condition of the renewal of their charters in 1814, and the average cost was something more than 8000 dollars a mile. The banks are allowed to establish toll gates. A break of a few miles between the termination of this road and of the Fredericktown turnpike has since been finished, and now the line of communication between Baltimore and Wheeling is complete, over one of the best roads in the world.*

Notwithstanding the new direction, which steamboat navigation has given to the trade of the west, and notwithstanding the quick intercourse thus established between New Orleans and the upper country, yet the great states of Kentucky, Ohio, and Indiana, will always look mainly to the east for their market. In addition to the distance of these states

* Some idea may be formed of the intercourse, which has existed between the tide waters of the Chesapeake and Delaware, and the Ohio, by the following statements. In the year ending May 1818, there passed through the gate at Chesnut Ridge, on the road leading from Philadelphia to Pittsburgh, 2698 teams of six horses, 2412 of five horses, and 281 of four horses, amounting in the whole to 5391 teams, none of which was less than four horses. During the same year it was calculated that 10 waggons a day left Philadelphia for the west, the freight of each averaging $200, making the annual amount for *freight* $730,000. In the month of October, 1817, there passed through the turnpike gate near Bedford, Pennsylvania, 4419 persons going to the west, and 2979 coming east. This was before the road from Baltimore to Wheeling was finished.

from New Orleans, which is the centre of commercial action, the south western states will always have the advantage of them by anticipating the market, both on account of their proximity, and from the circumstance, that the Ohio is closed with ice for some weeks in the year while the navigation of the Mississippi is unobstructed. In short, whatever view we take of the subject, nothing is more obvious, than that, if a water communication is opened from the western to the atlantic states, nearly the whole trade of Ohio, Kentucky, and Indiana will flow in this direction. Their produce will be sold here in exchange for our home manufactures and foreign imports. Large droves of live stock, especially hogs, are now driven every year from the banks of the Ohio in Kentucky, to Baltimore, in preference to being packed on the spot and sent down the river by a more speedy conveyance to the New Orleans market. The New York canal will draw through Lake Erie for the present the produce of the northern parts of Ohio and Indiana ; but when the magnificent project of threading the Alleganies with a canal, and uniting the Ohio, nay, the great lakes themselves, with the Chesapeake, shall be put in execution, which, since recent surveys would seem to prove it practicable, may be expected at no distant day, then the entire trade of these three states will flow into this channel, as being the shortest and most expeditious route to the tide waters of the Atlantic.

In this event Baltimore will inevitably become the chief mart of western produce, and possess an almost exclusive privilege of sending over the mountains supplies of home manufactures and foreign products. Georgetown, Washington, and Alexandria will doubtless be greatly benefited by such a communication to the west, but the local situation of these towns is not such, as to enable any one or all of them to gain the ascendency already held by Baltimore. A canal from the Potomac to the city will remove the obstacles of distance, and in this respect will place these several towns on an equal footing. But without reference to this brilliant, and as some think rather dubious scheme of joining the great waters of the east and west, Baltimore must in any event derive a great and an increasing profit from its intercourse with the interior, partly for reasons already suggested, and partly from the fact, that manufacturing establishments cannot

be advantageously erected on a large scale, either to the east or the west of the mountains. From the Potomac to the Gulf of Mexico, the country on the seaboard is alluvial and level to the distance of a hundred miles from the coast. Over this space there is probably not a single water fall, that could carry the wheel of a cotton factory ; and when you arrive at the first ridge of original formation, the ascent is commonly so gradual, that but little water power can be gained. If you reach the mountains, where the fall is more sudden, the streams have become so much diminished, and so uncertain, as to offer no encouragement to manufacturing operations ; and what is a still more serious obstacle, you are at a point so remote from water communication, that the expense of transporting the raw material would be sufficient to swallow up all the profits to be derived from the best local advantages. These remarks apply with very few exceptions to the whole range of the southern states, and show very clearly that manufactures will never be attempted there on any other than a very limited scale.

The same view may be taken, though with more restrictions, of the great valleys of the Mississippi and the Ohio, as well as of the regions embraced in the immense range of the Alleganies. It is a fact universally admitted, we believe, that the geological conformation of the country throughout the west is such, as to give but very little fall to the rivers, and consequently to afford a comparatively small amount of water power. Moreover, the expense of procuring the raw material, and of establishing and carrying on factories, will be such, that agricultural labor, which shall at the same time enhance the value of lands, and procure manufactured articles at a reasonable price, will for many years at least be much more profitable to the western capitalist. Whoever has wandered among the bold and majestic ridges of the Alleganies in the western counties of Pennsylvania, Maryland, and Virginia, must have been forcibly struck with the manner in which the streams of water find their way among them. From Catskill to Georgia this range of mountains is composed almost uniformly of parallel ridges, running from north east to south west, broken here and there apparently to let the small streams pass through ; and these, after creeping silently and quietly along the bases of the mountains, by many and intri-

cate windings, gather themselves at length into rivers, and seek a passage over an almost imperceptible declivity to the plain country below. Nothing is more rare than to come upon a water fall, or even a rapid, among the Alleganies, and if we except the Falling Spring in Virginia, and Harper's Ferry, the latter more famous for the combined effect of its natural scenery, than the descent of the mingled waters of the Potomac and Shenandoah, we do not remember one that has caught the attention of travellers. It is a curious fact, also, that for hundreds of miles amidst the Alleganies the traveller sees no lakes, or natural ponds, so common in mountainous countries. But this subject needs not be pursued. Our only purpose is to draw from these remarks the conclusion, that the south and west will never be manufacturing districts, and that Baltimore, from its immense local advantages, and its being on the border of these regions, will always enjoy peculiar privileges, and cannot fail under any circumstances to maintain a lucrative and growing trade with the interior. Since the great road was finished, and especially within the last year, this business has been constantly gaining, and thus far most fully confirms in practice the results to which we have come from general considerations. Its beneficial influence in giving a new spur to the commerce of the city, and encouraging its present improvements, are most obvious. It is now in contemplation to set up a line of transport waggons, to ply day and night between Baltimore and Wheeling.

The South American trade will open a wide field for the enterprise of Baltimore, particularly in providing a new market for its great staple of flour, and its manufactures. During the last year this trade has rapidly increased in the city, sixty vessels having sailed for different ports in South America, being more than double the number that sailed the year preceding. This increase is considerably greater than that of any other city, even of New York, and, although it will have a limit, it augurs well for the interest, which Baltimore will eventually retain in the extensive intercourse, that will grow up between the United States and the new Republics.

Various opinions have been entertained respecting the influence, which the crosscut canal, now making from the Delaware to the Chesapeake, will have on the city. For

ourselves we see no room for but one opinion; the effect will be highly beneficial both to Philadelphia and Baltimore; each city will receive an advantage from having an easy and quick intercourse between the two. It has been feared, that the trade of the Susquehanna, which now descends to Baltimore, will go up to Philadelphia through this canal. There is no ground for such a fear. That portion of produce now transported across the country from Columbia may possibly take this direction; but the mass of produce coming down the river to seek a market will continue to go to Baltimore as at present, for the plain reason, that the freight will be cheaper. From the mouth of the Susquehanna to Baltimore there is a direct sloop navigation down the Bay, but on the route to Philadelphia there will be the expense, trouble, and delay of transhipment at the entrance of the canal, and also the tolls for passing, and all this over and above the cost of taking the produce at once to Baltimore; nor is it to be admitted as possible, that the difference between the markets of the two cities will ever be such, as to warrant this sacrifice. In fact, the canal will rather have a tendency to equalise the markets of the two places, and in this respect, if any advantage occurs on either side, it will be on that of Baltimore, as this port approximates more nearly the interior.

The legislature of Maryland has taken measures to ascertain the practicability of cutting a canal along the margin of the Susquehanna, to the bottom of the last fall on that river, and thence across the country to Baltimore. But the expense of the work threatens to be so formidable, as to forbid the hope that it will soon be executed. By some persons a preference is given to the plan of deepening the river, removing obstructions, and thus procuring a safe passage for boats; but this labor, we apprehend, will be little less effectual than that of the daughters of Danaus. The greater the number of obstructions removed, the faster the waters will run off, and expose yet new and more numerous intruders peering above the surface, or lurking beneath the waves.

A very accurate and complete survey has recently been made, not only of the harbor of Baltimore, but also of the Patapsco river to its outlet at North Point, and of the Bay itself as far down as Annapolis. This work was wholly executed under the immediate direction of Lewis Brantz, Esq. partly

at the expense of the city, and partly of several insurance companies, with the express purpose of facilitating the navigation of the river and harbor. And it gives us particular pleasure to have an opportunity here of acknowledging our obligation to this gentleman, for the essential aid he has rendered us in furnishing many of the commercial details, facts, and tables, which have been woven into this article. His long residence in the city, and his practical acquaintance with its commerce, qualify him to speak with confidence and accuracy on this subject. Mr Brantz's chart of the Patapsco is of great importance to those, who navigate that river. This chart, and his chart of the harbor, together with Mr Poppleton's map of the city, comprise a series of accurate and beautiful delineations, not surpassed by any attempts of the kind, which have come under our notice, and are equally creditable to the active spirit of the citizens, who fostered such undertakings, and to the skill and talents of the gentlemen, who executed them.

Our remarks on the commercial history and advantages of Baltimore have run to so great a length, that no room is left for the observations we had contemplated on the internal features of the city, its topography, improvements, police, institutions, public buildings, means of education, benevolent associations, and other things, which contribute to show the character of a people. It may be said with confidence, however, that there has never been any deficiency of public spirit and generous enterprise in promoting all these objects, as far as the condition of a growing city required, or the habits and occupations of a commercial people would allow. In beautiful and finished specimens of architecture, Baltimore is unrivalled in this country; and the patriotism and liberality, that erected the two monuments, by which it is now adorned, deserve praise and emulation. The dates of all the principal improvements in the city, and a brief notice of them, may be found in Mr Griffith's work, to which we have already referred, and which, as its title purports, is strictly a book of annals.

One of the best institutions, which has been established in the city for many years, is the Athenæum lately organised, and now in operation. An elegant and spacious building has been erected for the purpose, one hundred and seventeen

feet long, by eightyone wide, affording accommodations of a very superior kind for a library, reading rooms, and a musical saloon. A stronger indication of a desire to diffuse knowledge and encourage intellectual refinement and good taste, or a more honorable testimony of a spirit of literary improvement, could not have been given. It was a remark of Mr Hinkley in his Address on the occasion of laying the corner stone of this building, 'that intelligence and virtue are the strength and beauty of a republic, and every true patriot must rejoice to witness any new means for their advancement.' Nothing could be more just, or better expressed, and while the citizens of Baltimore exhibit such tokens of their patriotism, they will build monuments, more durable than marble or brass, of their love of country and freedom, of their respect for the wise who have planned, and the brave who have defended our political and civil institutions.

ART. V.—*Johann Gottfried von Herder's sämmtliche Werke. Zur schönen Literatur und Kunst.*

John G. Herder's complete Works, relating to Belles Lettres and the Arts.

OF the men of letters in Germany, who contributed to elevate the reputation and improve the taste of their country, few were so distinguished for variety of attainments, industry, and the love of pure morality, as Herder. Without possessing great originality, he had still that power of genius, which gives life to acquisitions, and knew how to enrich and strengthen his mind by diligence in study and the faithful exertion of his faculties. The character of his mind was poetic; yet as nature had denied him the highest qualifications of the poet, and he was conscious of his own inability to tread firmly in the 'heaven of invention,' he contented himself with occupations suited to his capacities, taking the widest range through the literature of almost every age and nation, to which he could gain access, and returning from his excursions with noble spoils. He knew how to estimate the excellence of others; he could hold his mind aloof from the objects by which he was immediately surrounded, and enter upon the

study of a foreign work, as if he had been of the country, for which it was originally designed. Being possessed of great skill in the use of his own language, he was able to transfer into it the lighter graces no less than the severe lessons of foreign poets. To turn over some parts of his works is as to walk in a botanical garden, where the rare and precious plants of other countries, which thrive in climates the most distant and most different, are artificially yet safely collected, and planted without injury in soils suited to their natures. The ancient songs of the Scots, the pleasing ballads of the olden times in England, the little poems, which have been revived in the recent popular selections from the early English writers, the tales and canzons of the French, the Spaniards, the Italians, are many of them to be found among his works, neatly and accurately translated into the German.

But not only the beauties of the literature of the west, the finest sayings of Sadi and other oriental poets, the Greek convivial songs, the most blooming flowers from the Grecian Anthology, those odes of Horace, those poems of Persius and other Latin authors, which breathed a high moral spirit, are introduced in his pages, and either arranged in separate collections, or pleasantly interwoven amidst his criticisms, his moral reasonings, and his remarks on history and man. Indeed some of the volumes of his works may be compared to a fanciful piece of mosaic, composed of costly stones from all parts of the world, and if not always arranged in the very best taste, at least always rich in themselves, and well fitted to gratify the observer. He did more than translate. Wherever he found a beautiful idea, a just and happy image or allegory, he would seize upon it, and, giving it a form suited to his own taste, present it to the world anew. Deeply versed in biblical criticism, he often met amidst the rubbish of verbal commentators and allegorical expositors, many curious and instructive fables, narrations, proverbs, and comparisons. These he did not fail to select, to amplify and arrange, and thus put in currency again many a bright thought, which lay covered with the rust of learning, or buried under a mass of useless criticisms. He collected the ballads of the Spanish Cid, and formed of them a continued poem; he seized on ideas in the eastern as in the classic mythology, and wrought them into beautiful and instructive fictions; he se-

lected from the writings of men, whose minds had an influence on their age, the thoughts which characterised them, and thus gathered a magazine of practical wisdom. In fables, dialogues, and familiar letters, in poems and allegories, imitated, translated, or original, he alike endeavored to please and to teach lessons of goodness. It may be said of Herder, that he passed his life in tranquil industry, possessed of a delicate perception of the beautiful, cherishing in himself and others a love of learning, creating as it were anew the thoughts of the wise and good, and always employed in disseminating a knowledge of what seemed to him the elements of virtue, and cherishing and promoting whatever can improve or adorn humanity.

And what is humanity? Herder would have answered, the best part of human nature; the sum of good affections, generous dispositions, and noble principles of action, by which man is capable of being moved and guided. This idea of humanity was one, which possessed his affections and his reverence. It was the favorite subject of his thoughts, and he delighted to believe and to gather proofs, that men are becoming more and more *humane*. Others have loved to revile mankind, in the bitter spirit of satire, with the vindictive temper of misanthropy, to speak evil, not of the manners of their own times only, but of human nature, and so to deny the best and most cheering part of the creed of philanthropy. Herder had no fondness for collecting examples of human folly or crime. He felt that the world is full of beauty and excellence, and that man is the fairest and most exalted part of the visible creation, and, being by the character of his mind opposed to that cold and distrustful selfishness, which will not confide in others, he loved to warm his heart with contemplating the examples of purity and disinterested virtue, of highminded patriotism and ardent devotedness to the welfare of mankind. And he, who is conversant with Herder's writings, will be disposed to think, that the world has been rich in such examples, and that men, who have been gifted beyond measure by a bountiful and gracious Providence, have almost always associated the light of virtue with the brilliancy of genius.

Herder was the son of a poor Prussian schoolmaster. He received his literary education in Königsberg, at a time,

when the chair of philosophy in that very respectable university was filled by Kant, who, as a metaphysician, has had perhaps no rival among his countrymen but Fichte;* and though Herder devoted himself eagerly to the study of theology, yet he was deeply interested in pursuits, connected with philosophy and elegant literature. Hardly twentyone years of age, amidst all his cares as a responsible instructer at the Gymnasium of Riga, he came before the public in 1765, with criticisms on the men and subjects, which then attracted most generally the attention of his countrymen. German literature had received a powerful impulse, and was rapidly rising; Herder felt the inspiration, which had been breathed into Klopstock and Lessing, and the other fine minds of that day, and was desirous of accomplishing his part in guiding the taste and thoughts of the public. Though so young he wrote with freedom, and considering that a public declaration of opinion must be a sincere one, he did not reason coldly on matters of taste, but communicated his ideas and sentiments with all that warmth, in which they existed in his mind. His manner was not without pretensions, but his work was obviously the production of a man, who thought clearly, pursued his end with unwavering steadiness, and expressed himself with youthful sincerity. In this he acted wisely. If a young man dares to praise and blame those, whose reputation is already established, it is his safest course to explain the impressions, which their works have made upon himself, and to tell the truth frankly. Indeed, even in despotic countries, this has appeared the least dangerous plan of action, and the least likely to give offence. 'How shall you contrive,' said the duke of Burgundy to the Abbè Choisy, 'to insert in your history, that Charles the Sixth was a fool?' 'My Lord,' replied he, 'I shall say, he was a fool.' Lewis the Fourteenth began censuring his historian, Mezerai, for delineating Lewis

* There is no justice in considering Kant, as the only great writer on metaphysics in Germany. He was the earliest in point of time, in the new school, but Fichte has at this time certainly as many followers, and perhaps as many admirers, as the sage of Königsberg. In Fichte's Addresses to the German nation, delivered in Berlin, many excellent, and withal some very extravagant notions on the subject of education, may be found. His little treatise on the end of man, *Ueber die Bestimmung des Menschen*, is well fitted to convey a general idea of his manner, while its doctrine will please those, who do not disregard the speculative sciences, and are not disposed to sneer at contemplative habits of thought.

the Eleventh as a tyrant. 'Sire,' replied he, with great humility, 'why was he a tyrant?' The criticisms of Herder were well received, notwithstanding their novelty and boldness, for the German public, not less than any other, is willing now and then, that new opinions should be started, and ancient prejudices be somewhat alarmed, especially if the new opinions are just ones. Lessing, whose thoughts and criticisms are always clear and discriminating, prophecied of the young scholar, that he would either become a coxcomb, or one of the greatest of the German writers. It did not long remain a question, which of these he would become. Supported by an inward consciousness of worth, and a pleasant foreboding of his future usefulness and honor, he confirmed his independence in thought and action, and soon began to enjoy the honors, which a vast nation pays to its literary benefactors, the guardians of its morals, and the patient instructers of its youth.

To one, who has not considered how much may be accomplished by uninterrupted industry, how large the prospect is, which the student may command from his seclusion, it may seem impossible, that Herder should have known so many languages, and the literature contained in them, and have known them so well. But he not only wrote on subjects connected with letters, like a man of taste and feeling, but also on subjects of theology like a man of learning. His *Letters relating to the Study of Theology* are full of instruction and good sentiments, and his work *On the Spirit of the Hebrew Poetry*, though written subsequently to the lectures of Lowth, is full of original, profound, and interesting criticism, exhibiting the majesty of the Scriptures in many new views, and illustrating the rich imagery, the brilliant and sublime thoughts and language of the ancient prophets. Herder reverenced the inspired men as the oracles of God, only in so far as revelations of wisdom and goodness are common to all the superior minds, with which Providence has blessed the world. Whilst these views are rejected, there still can be but one opinion of the successful effort, which he has made to vindicate the character of the Hebrew Scriptures, and illustrate their claim to admiration for the beauties of their poetry.

While yet in the vigor of early manhood, after his mind had been enlarged by travelling in his own country, and a part of France, and after having passed five years at the court of the enlightened Prince of Bückeburg, Herder was invited to accept a professorship in theology at Göttingen, a university, then and still distinguished for the learning, independence of thought, fidelity, and talent of its numerous members. His election was made ineffectual by a circumstance of rare occurrence. The reigning king of England, in the exertion of his power as king of Hanover, and Rector of the University of Göttingen, put a negative upon the appointment, because his majesty was informed, that Herder's religious opinions were not orthodox. We make no comment on such an exertion of arbitrary power. The German princes at home were far more free and more just. They recognised the truth of the fact, that religion does not suffer from freedom of inquiry, that by the conditions of our being, the elevating feelings and faith, which connect man with his Maker, appear under the most various forms, and are modified by the different circumstances of times and countries, by national character, and the diversity in the intellectual habits of all reasoning men. Herder received from the duke of Weimar an invitation to repair to his court, to be at the head of the clergy in his small but highly respectable dominions, and, what was worth more than all these honors, to be, in the walks of literature, the associate of Goethe, Wieland, and Schiller. This was a glorious triumph after his short disappointment in his earlier prospects. It was here in Weimar, that the last half of Herder's life was passed in quiet but uninterrupted activity. While he found much leisure for disseminating his own views of what is worthy of admiration or imitation, he filled a large space of active duty. Besides his labors as a preacher, and as the head of the church, he was diligently watchful over schools, and unwearied in his efforts to improve them. A volume of his works contains a collection of essays, and addresses, on subjects connected with education. It is not necessary to say, that he at all times insists on a liberal treatment of boys, and believes in the possibility of instilling into young minds a love of virtue and knowledge, a love, which fear could only check, and personal emulation corrupt. He died in 1803, in the sixtieth year of his age.

Herder's reputation as a writer rests principally upon his works in prose. His mind, we have said, was of a poetic character, yet not inventive, and his sensibility to the beautiful and his lively and busy fancy never conducted him to high original efforts in verse. In his writings in prose everything is expressed with warmth and life. His thoughts are communicated under the most various forms and images; and his style would seem gorgeous, were it not at once clear and natural. There is in it a profusion of figures, but not a display of them; he makes use of them, because it was the most natural way for him to express his thoughts. They arose under such forms in his own mind, and he communicates them, as they existed within him. But for this he could be accused of an excess of ornament; but with him comparisons and the figures of rhetoric are not the efforts of art, but natural modes of expression, and he at all times pours them forth abundantly and in an interesting manner, yet not always with elegance, or taste. Few of his works can be recommended as finished performances, or of universal interest. His philosophical reflections on the history of man are written in a solemn and contemplative mood, and exhibit, perhaps, most fairly his private character not less than his merits as a writer. The influence of Herder on his age was wide, and entirely beneficial to the best interests of our race; he has been extensively read and admired, and always with results beneficial to morals and sentiments of philanthropy. A place cannot be assigned him among the great lights of the world; but he bore a high rank among his contemporaries, and was a blessing and an honor to his age.

We return from these general criticisms, to say a few words on a work, which Herder designed, and to a certain extent was enabled to execute. In 1778 and 1779 he undertook to collect, and faithfully transfer to his own language the most beautiful and most popular songs of all nations, and thus by comparing the national feelings of different ages and races to exhibit distinctly the common features of human nature. The noblest bards were to be assembled, and each to express the spirit of the people to which he belonged, so that from the most various national tones, the harmony of all with one common nature might be apparent. It was a noble idea, thus to assemble the representatives of popular feeling from all parts

of the world and all periods of history, that they might unite in bearing testimony to humanity, the affections, and moral rectitude.

Among the poems thus selected there are many of exquisite beauty and intrinsic value; but for the most part they are curious, as specimens of the literature of the respective nations, to which their authors belonged. We should be glad to enter into a comparison of the several poems, were not the subject so extensive a one. Instead, therefore, of undertaking anything so arduous, we will only ask leave, before parting from our readers, to quote one or two songs, which, perhaps, have hardly merit enough to amuse a few moments of their leisure. They are by authors of different countries, neither of whom has ever before been mentioned in our pages.

The first is from Rist, a man of some consideration in his time. He lived from 1607 to 1667, wrote many hymns, and knew how to express commonplace thoughts in correct language. His works are now quite forgotten. Yet Herder thought one of his songs worth preserving. It follows.

TO A FLOWER.

That thou bloomest in colors the fairest,
That the sun paints the robe thou wearest,
That thou 'rt splendid in purple and gold,
Can my Rose without envy behold.

That the bee so often caresses thee,
That the sick man so often blesses thee,
And physicians report thou canst heal,
This my Rose hath no wish to conceal.

For in these and in all things beside,
Her perfection can laugh at thy pride;
Thou art first of the flowers of the field;
All that 's created to Rose must yield.

Thy fair clothes will wither away;
Thy bright hues—of what use are they?
Oft lurks poison thy leaves beneath;
Oft thy juices lead to death.

What is beauty, that cannot speak?
What are flowers, which any may break?
What is grace, that can sing no song?
Nothing to Rose, to whom hearts belong.

What makes heaven of earthly hours,
What in beauty surpasses the flowers,
What with Philomel's voice may compare,
What is purer than pearls and more rare,

What hath friendliness' winning art,
What by virtue can quicken the heart,
What hath charms, that never will fade,
Makes my Rose a faultless maid.

These verses are translated in the rhythm of the original, and with the exception of two or three lines are literally rendered. The following little Anacreontic song is by Meli, a Sicilian professor of chemistry. We find his works collected and published in five volumes at Palermo, 1785. Meli is, we believe, universally regarded as the happiest of the Sicilian poets. Several of his pieces are charming. The one, which we cite, is on the lip of his mistress.

A SICILIAN SONG.

Tell me, whither art thou going,
Where so early, little bee ?
Still no beam of day is glowing
On the hills so near to thee.

Still the dews of night are sparkling
Everywhere along the wold ;
Heed thee, lest thou injure, darkling,
Thy wee wings, so fine with gold.

See, the languid flowers are sleeping,
Pillow mid the leaves their heads,
Softly closed their eyelids keeping,
Rest upon their downy beds.

But still onwards thou art flying,
Onwards still, and far away ;
Tell me, whither art thou hying,
Little bee, thus ere the day ?

Is 't for honey ? Why this fleetness ?
Shut thy wings, and haste no more,
I will show thee, where its sweetness
Rests in unexhausted store.

Little wanderer, hast thou never
Seen my Nice's beauteous eyes?
On her lips there 's honey ever;
Sweetness there forever lies.

On the lip of her, the fairest,
On my lovely maiden's lip,
There is honey, purest, rarest,
Thither come and freely sip.

This song is found in the first volume of Meli's poetic works. Another entitled *Li Capiddi*, in the same volume, is exceedingly lively, and a favorite with the Italians.

Art. VI.—*Mémoires pour servir à la Vie du Général Lafayette et à l'Histoire de l'Assemblée constituante, rédigés par* M. Regnault-Warin. A Paris 1824. 2 vols. 8vo.

Memoirs of the Life of Gilbert Motier Lafayette. By Gen. H. L. Villaume Ducoudray Holstein, who contributed, under the fictitious Name of Peter Feldmann, to his Liberation from the Prisons of Olmütz. Translated from the French Manuscript. New York. 1824. 12mo. pp. 305.

Among the many publications which have recently appeared concerning General Lafayette, both in Europe and in this country, we have selected those by M. Regnault-Warin and General Ducoudray Holstein, as the most prominent. We are sorry, however, to find that both of them are very deficient and imperfect; unworthy of the subject to which they are devoted, and unable to give any becoming impression of the times in which Lafayette lived and has borne so important a part.

The work of M. Regnault-Warin is a clumsy, ill digested book, which forms one of a cumbrous series of similar publications, now coming from the press in France, and devoted to the French Revolution. It is called Memoirs of Lafayette; but is in fact anything rather than a Biography. It is filled principally with political discussions written in a bad style, and with a tendency, which it is not always easy to understand;

and its chief value to one who wishes to learn anything of the life and character of Lafayette, is to be sought in a few documents, which are scattered through the volumes, or thrown into an Appendix at the end.

The work published by General Ducoudray Holstein at New York is much worse. It is not entitled to credit. Nearly half of it is taken up with the five years that elapsed between the moment when General Lafayette left the army in August 1792, and his release from the dungeons of Olmütz in August 1797; and the whole of this, when compared with the accounts given by Toulongeon, which Madame de Staël declares to be authentic; with Bollmann's own story of his attempt to rescue Lafayette in 1794; and with the general facts known everywhere, and the details that may still be obtained from living witnesses, can be considered only as an unhappy attempt at romance. Indeed the entire work is not much better, for though, in some portions, the facts and dates may be given with more accuracy, yet a false or exaggerated coloring is everywhere perceptible, and the documents and public acts, which were originally in English, and after being translated into French by the author, are now retranslated into English for his publisher, come to us so travestied, that their original features can hardly be recognised. Finding these two books, therefore, of so little value, we have resorted to other sources, sometimes more authentic, and always more ample and interesting, and have much pleasure in laying before our readers, what we have collected concerning the distinguished person with whom this whole country now 'rings from side to side.'

The family of General Lafayette has long been distinguished in the history of France. As early as 1422, the Marshal de Lafayette defeated and killed the Duke of Clarence at Beaugé, and thus saved his country from falling entirely into the power of Henry Fifth, of England. Another of his ancestors, Madame de Lafayette, the intimate friend and correspondent of Madame de Sevigné, and one of the most brilliant ornaments of the court of Louis Fourteenth, was the first person who ever wrote a romance, relying for its success on domestic character, and thus became the founder of the most popular department in modern literature. His father fell in the battle of Rossbach on the 5th of November, 1757,

and therefore survived the birth of his son only two months. These, with many more memorials of his family, scattered through the different portions of French history for nearly five centuries, are titles to distinction, which it is particularly pleasant to recollect, when they fall, as they now do, on one so singularly fitted to receive and increase them.

General Lafayette himself was born in Auvergne, in the south of France, on the 6th of September, 1757. When quite young, he was sent to the College of Louis le Grand at Paris, where he received that classical education, of which, when recently at Cambridge, he twice gave remarkable proof in uncommonly happy quotations from Cicero, suited to circumstances that could not have been foreseen. Somewhat later, he was placed at Court, first, we believe, as page to the Queen, and afterwards as an officer in one of the small bodies of guards of honor, where rank marks a very high distinction. When only seventeen, he was married to the daughter of the Duke d'Ayen, son of the Duke de Noailles; and thus his condition in life seemed to be assured to him among the most splendid and powerful in the empire. His fortune, which had been accumulating during a long minority, was vast; his rank was with the first in Europe; his connexions brought him the support of the chief persons in France; and his individual character, the warm, open, and sincere manners, which have distinguished him ever since, and given him such singular control over the minds of men, made him powerful in the confidence of society wherever he went. It seemed, indeed, as if life had nothing further to offer him, than he could surely obtain by walking in the path that was so bright before him.

It was at this period, however, that his thoughts and feelings were first turned towards these thirteen colonies, then in the darkest and most doubtful passage of their struggle for independence. He made himself acquainted with our agents at Paris, and learnt from them the state of our affairs. Nothing could be less tempting to him, whether he sought military reputation or military instruction, for our army at that moment retreating through New Jersey, and leaving its traces in blood from the naked and torn feet of the soldiery as it hastened onward, was in a state too humbled to offer either. Our credit, too, in Europe was entirely gone, so that

the commissioners, as they were called, without having any commission, to whom Lafayette still persisted in offering his services, were obliged, at last, to acknowledge that they could not even give him decent means for his conveyance. 'Then,' said he, 'I shall purchase and fit out a vessel for myself.' He did so. The vessel was prepared, we believe, at Bourdeaux; and sent round to one of the nearest ports in Spain, in order to be beyond the power of the French Government. After he was determined to come to this country and before he embarked, he made a visit of a few weeks in England; the only time he was ever there, and was much sought in English society. On his return to France he still kept his purposes in relation to America partly or entirely secret; and it was not until he had already left Paris in order to embark, that his romantic undertaking was generally known.

The effect produced in the capital and at court by its publication was greater than we should now, perhaps, imagine. Lord Stormont, the English Ambassador, compelled the French Ministry to despatch an order for his arrest, not only to Bourdeaux but to the French naval commanders on the American station. His family, too, sent, or were understood to send, in pursuit of him; and society at Paris, according to Madame du Deffand's account of it, was in no common state of excitement on the occasion.* Something of the same sort happened in London. 'We talk chiefly,' says Gibbon, in a letter dated April 12th, 1777, 'of the Marquis de Lafayette, who was here a few weeks ago. He is about twenty, with a hundred and thirty thousand livres a year, the nephew of Noailles, who is ambassador here. He has bought the Duke of Kingston's yacht, and is gone to join the Americans. The court *appear* to be angry with him.'

* De tous les départs présents, celui qui est le plus singulier et le plus étonnant, c'est celui de M. de Lafayette. Il n' a pas vingt ans; il est parti ces jours-çi pour l'Amérique; il emmène avec lui huit ou dix de ses amis; il n'avait confié son projet qu' au Vicomte de Noailles, sous le plus grand secret; il a acheté un vaisseau, l'a équipé, et s' est embarqué à Bordeaux. Sitôt que ses parents en ont eu la nouvelle, ils ont fait courir après lui pour l' arrêter et le ramener; mais on est arrivé trop tard, il y avait trois heures qu' il était embarqué. C'est une folie, sans doute, mais qui ne le déshonore point, et qui au contraire marque du courage et du désir de la gloire. On le loue plus qu' on le blame; mais sa femme, qu' il laisse grosse de quatre mois, son beau-père, sa belle-mère, et toute sa famille en sont fort affligés. *Lettre de Mad. du Deffand a H. Walpole*, 31 *Mars*, 1777.

He, however, escaped all pursuit, whether serious or pretended, and arrived safely at Charleston, S. C. on the 25th of April, 1777.

The sensation produced by his appearance in this country was, of course, much greater than that produced in Europe by his departure. It still stands forth, as one of the most prominent and important circumstances in our revolutionary contest ; and, as has often been said by one who bore no small part in its trials and success, none but those who were then alive, can believe what an impulse it gave to the hopes of a population almost disheartened by a long series of disasters. And well it might ; for it taught us, that in the first rank of the first nobility in Europe, men could still be found, who not only took an interest in our struggle, but were willing to share our sufferings ; that our obscure and almost desperate contest for freedom in a remote quarter of the world, could yet find supporters among those, who were the most natural and powerful allies of a splendid despotism ; that we were the objects of a regard and interest throughout the world, which would add to our own resources sufficient strength to carry us safely through to final success.

Immediately after his arrival, Lafayette received the offer of a command in our army, but declined it. Indeed, during the whole of his service with us, he seemed desirous to show, by his conduct, that he had come only to render disinterested assistance to our cause. He began, therefore, by clothing and equipping a body of men at Charleston at his own expense ; and then entered, as a volunteer, without pay, into our service. He lived in the family of the Commander in Chief, and won his full affection and confidence. He was appointed a Major General in our service, by a vote of Congress, on the 31st of July, 1777, and in September of the same year, was wounded at Brandywine. He was employed in 1778 both in Pennsylvania and Rhode Island, and after having received the thanks of the country for his important services, embarked at Boston in January, 1779, for France, thinking he could assist us more effectually, for a time, in Europe than in America.

He arrived at Versailles, then the regular residence of the French court, on the 12th of February, and the same day had a long conference with one of the ministers. He did not see

the king ; and in a letter written at Court the next day, we are told, that he received an order to visit none but his relations, as a form of censure for having left France without permission ; but this was an order, that fell very lightly on him, for he was connected by birth or marriage with almost every body at court, and every body else thronged to see him at his own hotel. The treaty, which was concluded between America and France at just about the same period, and was publicly known a little later, was, by Lafayette's personal exertions, made effective in our favor. As soon as this was done, or as soon as he had ascertained that he should be speedily followed by a French fleet for our assistance, he embarked to return, and on the 11th of May communicated the intelligence confidentially to the Commander in Chief at Head Quarters, having been absent from the army hardly five months.

Immediately on his return, he entered into our service with the same disinterested zeal he had shown on his first arrival. He received the separate command of a body of infantry consisting of about two thousand men, and clothed and equipped it partly at his own expense, rendering it by unwearied exertions, constant sacrifices, and wise discipline, the best corps in the army. What he did for us, while at the head of this division, is known to all, who have read the history of their country. His forced march to Virginia, in December 1780, raising two thousand guineas at Baltimore, on his own credit, to supply the pressing wants of his troops ; his rescue of Richmond, which but for his great exertions must have fallen into the enemy's hands ; his long trial of generalship with Cornwallis, who foolishly boasted in an intercepted letter, that 'the boy could not escape him ;' and finally the siege of Yorktown, the storming of the redoubt, and the surrender of the place in October, 1781, are proofs of talent as a military commander, and devotion to the welfare of these states, for which he never has been repaid, and, in some respects, never can be.

He was, however, desirous to make yet greater exertions in our favor, and announced his project of revisiting France for the purpose. Congress had already repeatedly acknowledged his merits and services in formal votes. They now acknowledged them more formally than ever by a resolution

of November 23d, in which, besides all other expressions of approbation, they desire the foreign ministers of this government to confer with him in their negotiations concerning our affairs; a mark of respect and deference, of which we know no other example.

In France a brilliant reputation had preceded him. The cause of America was already popular there, and his exertions and sacrifices in it, which, from the first, had seemed so chivalrous and romantic, now came reflected back upon him in the strong light of popular enthusiasm. Before his return, the following beautiful verses, from the Gaston et Bayard of Belloy, had been often applauded and their repetition sometimes called for, on the public Theatre, and Madame Campan tells us, that she for a long time preserved them in the handwriting of the unfortunate Queen of Louis Sixteenth, who had transcribed them because they had thus been publicly appropriated to the popular favorite of the time.

Eh ! que fait sa jeunesse
Lorsque de l'âge mûr je lui vois la sagesse ?
Profond dans ses desseins, qu'il trace avec froideur,
C'est pour les accomplir, qu'il garde son ardeur.
Il sait défendre un camp et forcer des murailles ;
Comme un jeune soldat désirant les batailles,
Comme un vieux général il sait les éviter.
Je me plais à le suivre et même à l'imiter.
J'admire sa prudence et j'aime son courage.
Avec ces deux vertus un guerrier n'a point d'âge.
Act. I. Sc. 4.

A similar circumstance happened, or rather in this second instance was prepared, at about the same time by Rochon de Chabannes, who introduced the following portrait of him into his Amour François, acted in 1780.

On est compté pour rien, quand on est inutile ;
L'oisiveté, monsieur, est une mort civile....
Voyez ce courtisan à peu près de votre âge ;
Il renonce aux douceurs d'un récent mariage,
Aux charmes de la cour, aux plaisirs de Paris,
La gloire seule échauffe, embrase ses esprits,
Il vole la chercher sur un autre hémisphère, etc.

The resemblance was, of course, immediately recognised, and the name of Lafayette, which at first was murmured

doubtfully, was, at the conclusion shouted throughout the Theatre in a tumult of applause. It is not remarkable, therefore, with such a state of feeling, while he was still absent from the country, that, on his return, he was followed by crowds in the public streets wherever he went; and that, in a journey he made to one of his estates in the south of France, the towns through which he passed, received him with processions and civic honors; and that in the city of Orleans he was detained nearly a week by the festivities they had prepared for him.

He did not, however, forget our interests amidst the popular admiration with which he was surrounded. On the contrary, though the negotiations for a peace were advancing, he was constantly urging upon the French government the policy of sending more troops to this country, as the surest means of bringing the war to a speedy and favorable termination. He at last succeeded; and Count d' Estaing was ordered to hold himself in readiness to sail for the United States, as soon as Lafayette should join him. When, therefore, he arrived at Cadiz, he found fortynine ships and twenty thousand men ready to follow him; and they would have been on our coast early in the spring, if peace had not rendered further exertions unnecessary. This great event was first announced to Congress, by a letter from Lafayette, dated in the harbor of Cadiz, Feb. 5, 1783.

As soon as tranquillity was restored, Lafayette began to receive pressing invitations to visit the country, whose cause he had so materially assisted. Washington, in particular, was extremely urgent; and yielding not only to these instances, but to an attachment to the United States, of which his whole life has given proof, he embarked again for our shores and landed at New York on the 4th of August 1784. His visit, however, was short. He went almost immediately to Mount Vernon, where he passed a few days in the family of which he was so long a cherished member, and then visiting Annapolis, Baltimore, Philadelphia, New York, Albany, and Boston, received everywhere with unmingled enthusiasm and delight, he reembarked for France. But when he was thus about to leave the United States for the third, and, as it then seemed, the last time, Congress in December 1784, appointed a solemn deputation, consisting for its greater dignity, of

one member from each state, with instructions to take leave of him on behalf of the whole country, and to assure him, 'that these United States regard him with particular affection, and will not cease to feel an interest in whatever may concern his honor and prosperity, and that their best and kindest wishes will always attend him.' It was at the same time resolved, that a letter be written to his most Christian Majesty, expressive of the high sense, which the United States in Congress assembled entertain of the zeal, talents, and meritorious services of the Marquis de Lafayette, and recommending him to the favor and patronage of his Majesty. We are not aware, that a more complete expression of dignified and respectful homage could have been offered to him.

During the year that followed the arrival of Lafayette in his own country, he found the minds of men more agitated on questions of political right, than they had ever been before. Into some of the grave and perilous discussions that were then going on, he entered at once; on others he waited; but, on all, his opinions were openly and freely known, and, on all, he preserved the most perfect consistency. He was for some time ineffectually employed with Malesherbes in endeavoring to relieve the Protestants of France from political disabilities, and place them on the same footing with other subjects. He was the first Frenchman, who raised his voice against the slave trade; and it is worth notice, that having devoted considerable sums of money to purchase slaves in one of the colonies, and educate them for emancipation, the faction, which in 1792 proscribed him, as an enemy to freedom, sold these very slaves back to their original servitude. And finally, at about the same time, he attempted to form a league of the European Powers against the Barbaresque Pirates, which, if it had succeeded, would have done more for their suppression, than has been done by Sir Sidney Smith's Association, or is likely to follow Lord Exmouth's victories.

But while he was busied in the interests, to which these discussions gave rise, the materials for great internal changes were collecting together at Paris from all parts of France; and in February 1787, the Assembly of the Notables was opened. Lafayette was, of course, a member, and the tone he held throughout its session contributed essentially to give a marked character to its deliberations. He proposed the suppression

of the odious *lettres de cachet*, of which Mirabeau declared in the National Assembly, that seventeen had been issued against him before he was thirty years old; he proposed the enfranchisement of the Protestants, who, from the time of the abolition of the Edict of Nantz, had been suffering under more degrading disabilities than the Catholics now are in Ireland; and he proposed by a formal *motion*,—which was the first time that word was ever used in France, and marks an important step towards a regular, deliberative assembly,—he made a *motion* for the convocation of Representatives of the people. 'What,' said the Count d'Artois, now Charles Tenth, who presided in the Assembly of the Notables, 'do you ask for the States General?' 'Yes,' replied Lafayette, 'and for something more and better;' an intimation, which, though it can be readily understood by all who have lived under a representative government, was hardly intelligible in France at that time.

Lafayette was, also, a prominent member of the States General, which met in 1789, and assumed the name of the National Assembly. He proposed in this body a Declaration of Rights not unlike our own, and it was under his influence and while he was, for this very purpose, in the chair, that a decree was passed on the night of the 13th and 14th of July, at the moment the Bastille was falling before the cannon of the populace, which provided for the responsibility of ministers, and thus furnished one of the most important elements of a representative monarchy. Two days afterwards, he was appointed Commander in Chief of the National Guards of Paris, and thus was placed at the head of what was intended to be made, when it should be carried into all the departments, the effective military power of the realm, and what, under his wise management, soon became such.

His great military command, and his still greater personal influence, now brought him constantly in contact with the court and the throne. His position, therefore, was extremely delicate and difficult, especially as the popular party in Paris of which he was not so much the head, as the idol, was already in a state of perilous excitement, and atrocious violences were beginning to be committed. The abhorrence of the queen was almost universal, and was excessive to a degree of which we can now have no just idea. The circumstance

that the court lived at Versailles, sixteen miles from Paris, and that the session of the National Assembly was held there, was another source of jealousy, irritation, and hatred, on the part of the capital. The populace of Paris, therefore, as a sign of opposition, had adopted a cockade of blue and red, whose effects were already becoming alarming. Lafayette, who was anxious about the consequences of such a marked division, and who knew how important are small means of conciliation, added to it, on the 26th of July, the white of the Royal Arms, and as he placed it in his own hat, amidst the acclamations of the multitude, prophecied, that it 'would go round the world;' a prediction, which is already more than half accomplished, since the tricolored cockade has been used for the ensign of emancipation in Spain, in Naples, in some parts of South America, and in Greece.

Still, however, the tendency of everything was to confusion and violence. The troubles of the times, too, rather than a positive want of the means of subsistence, had brought on a famine in the capital; and the populace of the Fauxbourgs, the most degraded certainly in France, having assembled and armed themselves, determined to go to Versailles; the greater part with a blind desire for vengeance on the royal family, but others only with the purpose of bringing the king from Versailles, and forcing him to reside in the more ancient but scarcely habitable palace of the Thuilleries, in the midst of Paris. The National Guards clamored to accompany this savage multitude; Lafayette opposed their inclination; the municipality of Paris hesitated, but supported it; he resisted nearly the whole of the 5th of October, while the road to Versailles was already thronged with an exasperated mob of above an hundred thousand ferocious men and women, until, at last, having received an order to march, from the competent authority, he set off at four o'clock in the afternoon, as one going to a post of imminent danger, which it had clearly become his duty to occupy.

He arrived at Versailles at ten o'clock at night, after having been on horseback from before daylight in the morning, and having made, during the whole interval, both at Paris and on the road, incredible exertions to control the multitude and calm the soldiers. 'The Marquis de Lafayette at last entered the Château,' says Madame de Staël, 'and passing

through the apartment where we were, went to the king. We all pressed round him, as if he were the master of events, and yet the popular party was already more powerful than its chief, and principles were yielding to factions, or rather were beginning to serve only as their pretext. M. de Lafayette's manner was perfectly calm; nobody ever saw it otherwise; but his delicacy suffered from the importance of the part he was called to act. He asked for the interior posts of the château, in order that he might ensure their safety. Only the outer posts were granted to him.' This refusal was not disrespectful to him who made the request. It was given, simply because the etiquette of the court reserved the guard of the royal person and family to another body of men. Lafayette, therefore, answered for the National Guards, and for the posts committed to them; but he could answer for no more;* and his pledge was faithfully and desperately redeemed.

Between two and three o'clock, the queen and the royal family went to bed. Lafayette, too, slept after the great fatigues of this fearful day. At half past four, a portion of the populace made their way into the palace by an obscure, interior passage, which had been overlooked, and which was not in that part of the château entrusted to Lafayette. They were evidently led by persons who well knew the secret avenues. Mirabeau's name was afterwards strangely compromised in it, and the form of the infamous Duke of Orleans was repeatedly recognised on the great staircase, pointing the assassins the way to the queen's chamber. They easily found it. Two of her guards were cut down in an instant; and she made her escape almost naked. Lafayette immediately rushed in with the national troops, protected the Swiss guards from the brutal populace, and saved the lives of the royal family, which had so nearly been sacrificed to the etiquette of the monarchy.

The day dawned as this fearful scene of guilt and bloodshed was passing in the magnificent palace, whose construction had exhausted the revenues of Louis Fourteenth, and which,

* So completely were all persons unsuspicious of any *immediate* danger, that the guards of the *interior* posts were nowhere increased; and not the slightest change was made in the customary arrangements, except what was made at the solicitation of Lafayette.

for a century, had been the most splendid residence in Europe. As soon as it was light, the same furious multitude filled the vast space, which, from the rich materials of which it is formed, passes under the name of the court of marble. They called upon the king, in tones not to be mistaken, to go to Paris; and they called for the queen, who had but just escaped from their daggers, to come out upon the balcony. The king, after a short consultation with his ministers, announced his intention to set out for the capital; but Lafayette was afraid to trust the queen in the midst of the bloodthirsty multitude. He went to her, therefore, with respectful hesitation, and asked her if it were her purpose to accompany the king to Paris. 'Yes,' she replied, 'although I am aware of the danger.' 'Are you positively determined?' 'Yes, sir.' 'Condescend, then, to go out upon the balcony, and suffer me to attend you.' 'Without the king?'—she replied, hesitating—'Have you observed the threats?' 'Yes, Madame, I have; but dare to trust me.' He led her out upon the balcony. It was a moment of great responsibility and great delicacy; but nothing, he felt assured, could be so dangerous as to permit her to set out for Paris, surrounded by that multitude, unless its feelings could be changed. The agitation, the tumult, the cries of the crowd, rendered it impossible that his voice should be heard. It was necessary, therefore, to address himself to the eye, and turning towards the queen, with that admirable presence of mind, which never yet forsook him, and with that mingled grace and dignity, which were the peculiar inheritance of the ancient court of France, he simply kissed her hand before the vast multitude. An instant of silent astonishment followed, but the whole was immediately interpreted, and the air was rent with cries of 'Long live the queen! Long live the general!' from the same fickle and cruel populace, that only two hours before had embrued their hands in the blood of the guards, who defended the life of this same queen.

The same day, that this scene was passing, the first meeting of the Jacobin club was held. Against this club and its projects Lafayette at once declared himself. With Bailly, the Mayor of Paris, he organised an opposing club, and the victory between the two parties was doubtful for above a year and a half. The contest, however, which was pro-

duced by this state of things, placed Lafayette in a very embarrassing and dangerous position He was obliged to oppose the unprincipled purposes of the Jacobins, without retreating towards the principles of the ancient despotism; and it is greatly to his honor, that he did it most faithfully and consistently. When, therefore, on the 20th of June, 1790, a proposition was suddenly made in the Convention to abolish all titles of nobility, Lafayette, true to his principles, rose to second it. A short discussion followed. It was objected to the abolition of rank, that, if there were no titles, no such reward could be conferred as was once conferred by Henry Second, when he created an obscure person, according to the terms of his patent, 'noble and count, for having saved the country at such a time.' 'The only difference,' replied Lafayette, 'will be, that the words, noble and count will be left out, and the patent will simply declare, that on such an occasion, such a man saved the state.' From this time Lafayette renounced the title of Marquis, and has never since resumed it. Since the restoration of the Bourbons, indeed, and the revival of the ancient nobility, there has been sometimes an affectation among the Ultra Royalists of calling him by his former title; but he has never recognised it, and is still known in France only by the address of General. At least, if he is sometimes called otherwise there, it is not by his friends.

At length the Constitution of a representative Monarchy, which Lafayette's exertions had, from the first opening of the Convention, been consistently devoted to establish, was prepared; and all were desirous that it should be received and recognised by the nation in the most solemn manner. The day chosen, as most appropriate for the ceremony, was the 14th of July, 1790, the anniversary of the destruction of the Bastille; and the open space behind the military school, called the Champ de Mars, from the Campus Martius of the Romans, was the place fixed on for this great national festival and solemnity. By the constant labor of from one to two hundred thousand persons of both sexes and all ranks, from dukes and duchesses, bishops and deputies, down to the humblest artisans, who all made the occasion like the Saturnalia of the ancients, an amphitheatre of earth four miles in circumference was raised in a few weeks, whose sides

were formed of seats destined to receive the French people, and in whose centre stood the Throne and the Altar. On the morning, therefore, of the day, when the whole was to be consummated, the king, the court, the clergy, the National Assembly, a deputation of the military from the eightythree departments, and a body of people amounting to above four hundred thousand souls were assembled in this magnificent amphitheatre. Mass was first said, and then Lafayette, who that day had the military command of six millions of men, and held in his hands the power of the monarchy, swore to the Constitution on behalf of the nation, at the altar which had been erected in the midst of the arena. Every eye of that immense mass was turned on him ; every hand was raised to join the oath he uttered. It was, no doubt, one of the most magnificent and solemn ceremonies the world ever saw ; and, perhaps, no man ever enjoyed the sincere confidence of an entire people more completely than Lafayette did, as he thus bore the most imposing part in these extraordinary solemnities.

The Champ de Mars, however, as Madame de Staël has well observed, was the last movement of a genuine national enthusiasm in France. The Jacobins were constantly gaining power, and the revolution was falling more and more into the hands of the populace. When the king wished to go to St Cloud with his family, in order to pass through the duties of Easter, under the ministration of a priest, who had not taken certain civil oaths, which, in the eyes of many conscientious Catholics desecrated those who received them ; the populace and the national guards tumultuously stopped his carriage. Lafayette arrived, at the first suggestion of danger. 'If,' said he, 'this be a matter of conscience with your majesty, we will, if it is necessary, die to maintain it ;' and he offered immediately to open a passage by force ; but the king hesitated at first, and finally determined to remain in Paris.

Lafayette, indeed, under all circumstances remained strictly faithful to his oaths ; and now defended the freedom of the king, as sincerely as he had ever defended the freedom of the people. His situation, therefore, became every day more dangerous. He might have taken great power to himself, and so have been safe. He might have received the

sword of Constable of France, which was once worn by the Montmorencies, but he declined it; or he might have been Generalissimo of the National Guards, who owed their existence to him; but he thought it more for the safety of the state, that no such power should exist. Having, therefore, organised this last body, according to the project he had originally formed for it, he resigned all command with a disinterestedness of which, perhaps, Washington alone could have been his example; and retired to his estate in the country, followed, as he had been for many years, by crowds wherever he went, and accompanied on his way by every form of popular enthusiasm and admiration.

From the tranquillity to which he now gladly turned, he was soon called by the war with Austria, declared April 20th, 1792, and in which he was, at once, appointed one of the three Major Generals to command the French armies. His labors, in the beginning of this war, which he did not approve, were very severe, and the obstacles he surmounted, some of which were purposely thrown in his way by the factions of the capital, were grave and alarming. But the Jacobins at Paris were now a well organised body, and were fast maturing their arrangements to overturn the Constitution. Violences of almost every degree of atrocity were become common, and that public order, of which Lafayette had never ceased to speak on all suitable occasions, no longer existed.* Under these circumstances, he felt that his silence would be an abandonment of the principles to the support of which he had devoted his life; and with a courage, which few men in any age have been able to show, and with a temperance, which has always kept his conduct on one even line, he wrote a letter to the Convention, dated June 16th, in which he plainly denounced the growing faction of the Jacobins, and called on the constituted authorities to put a stop to the atrocities this faction was openly promoting. In the course of this letter, he dared to say; 'Let the royal authority be untouched, for it is guarantied by the constitution; let it be independent, for its independence is one of

* It is a singular fact, that in all Lafayette's speeches and addresses between 1787 and 1792, he hardly once mentions *Freedom*, without coupling it with some intimation or injunction to respect and support *Public Order*. Since that time, the two phrases have been generally united; but they have not always meant as much as they did when used by Lafayette.

the springs of our liberty; let the king be respected, for he is invested with the majesty of the nation; let him choose a ministry that shall wear the chains of no faction; and if traitors exist, let them perish only under the sword of the law.' There was not another man in France, who would have dared to take such a step, at such a time; and it required all Lafayette's vast influence to warrant him in expressing such opinions and feelings, or to protect him afterwards.

At first the Jacobins seemed to shrink from a contest with him. He had said to the Assembly, 'Let the reign of clubs, abolished by you, give place to the reign of the law,' and they almost doubted whether he had not yet power enough to effect what he counselled. They began, therefore, as soon as the letter had been read, by denying its authenticity; they declared it, in short, to be a forgery. As soon as Lafayette heard of this, he came to Paris, and avowed it at the bar of the Assembly. The 20th of June, however, had overthrown the Constitution before his arrival; and, therefore, though he stood with an air of calm command amidst its ruins, and vindicated it as proudly as ever, he was, after all, surrounded only by those who had triumphed over it. He could not succeed, therefore, and returned to his army on the borders of the low countries. But the army, too, was now infected. He endeavored to assure himself of its fidelity, and proposed to the soldiers to swear anew to the Constitution. A very large proportion refused, and it immediately became apparent, from the movements, both at Paris and in the army, that he was no longer safe. His adversaries, who, for his letter, were determined and interested to ruin him, were his judges; and they belonged to a party, which was never known to devote a victim without consummating the sacrifice. On the 17th of August, therefore, accompanied by three of his general officers, Alexandre Lavreth, Latour Maubourg, and Bureaux de Puzy, he left the army, and in a few hours was beyond the limits of France. His general purpose was, to reach the territory of the republic of Holland, which was quite near; and from that point either rally the old constitutional party, or pass to Switzerland, or the United States, where he should be joined by his family. That he did not leave France, while any hope remained for him, is certain, since, before his escape

was known at Paris, a decree accusing him of high treason, which was then equivalent to an order for his execution, was carried in the Assembly by a large majority.

Lafayette and his companions hoped to avoid the enemy's posts, but they did not succeed. They were seized the same night by an Austrian patrol, and soon afterwards recognised. They were not treated as prisoners of war, which was the only quality in which they could have been arrested and detained; but were exposed to disgraceful indignities, because they had been the friends of the Constitution. After being detained, therefore, a short time by the Austrians, they were given up to the Prussians, who, because their fortresses were nearer, were supposed to be able to receive and guard them more conveniently. At first, they were confined at Wesel on the Rhine, and afterwards in dungeons at Magdeburg. But the Prussians, at last, became unwilling to bear the odium of such unlawful and disgraceful treatment of prisoners of war, entitled to every degree of respect from their rank and character; but especially from the manner in which they had been taken. They, therefore, gave them up again to the Austrians, who finally transferred them to dark and damp dungeons in the citadel of Olmütz. The sufferings to which Lafayette was here exposed, in the mere spirit of a barbarous revenge, are almost incredible. He was warned, 'that he would never again see anything but the four walls of his dungeon; that he would never receive news of events or persons; that his name would be unknown in the citadel, and that in all accounts of him sent to court, he would be designated only by a number; that he would never receive any notice of his family, or of the existence of his fellow prisoners.' At the same time, knives and forks were removed from him, as he was officially informed, that his situation was one which would naturally lead him to suicide.*

His sufferings, indeed, proved almost beyond his strength. The want of air and decent food, and the loathsome dampness and filth of his dungeon, brought him more than once

* One principal reason of the vindictive spirit of the Austrian Government towards Lafayette, is, no doubt, to be sought in the circumstance, that, as the leader of the early part of the French Revolution, he brought on those events, which led to the overthrow of the Monarchy, and the death of the Queen, who was an Austrian.

to the borders of the grave. His frame was wasted with diseases, of which, for a long period, not the slightest notice was taken ; and, on one occasion, he was reduced so low, that his hair fell from him entirely by the excess of his sufferings. At the same time, his estates in France were confiscated, his wife cast into prison, and *Fayettisme*, as adherence to the Constitution was called, was punished with death.

His friends, however, all over Europe, were carefully watching every opportunity to obtain some intelligence which should, at least, render his existence certain. Among those who made the most vigorous and continued exertions to get some hint of his fate, was Count Lally Tolendal, then a refugee from his blood stained country. This nobleman became acquainted in London with Dr Erick Bollmann, a Hanoverian, who immediately after the massacres of August 10th, 1792, had been employed by Madame de Staël to effect the escape of Count Narbonne, and, by great address and courage, had succeeded in conveying him safely to England. Dr Bollmann's adventurous spirit easily led him to engage in the affairs of Lafayette. His first expedition to the continent, under the direction of Lafayette's friends in London, in 1793, was, however, no further successful, than that he learned the determination of the Prussian government to give up Lafayette to Austria, and the probability that he had been already transferred. Where he was, and whether he were even alive, were circumstances Dr Bollmann found it impossible to determine.

But the friends of Lafayette were not discouraged. In June 1794, they again sent Dr Bollmann to Germany to ascertain what had been his fate, and if he were still alive, to endeavor to procure his escape. With great difficulty, he traced the French prisoners to the Prussian frontiers and there ascertained, that an Austrian escort had received them, and taken the road to Olmütz, a strong fortress in Moravia, one hundred and fifty miles north of Vienna, and near the borders of Silesia. At Olmütz, Dr Bollmann ascertained, that several state prisoners were kept in the citadel with a degree of caution and mystery, which must have been not unlike that used towards the half fabulous personage in the iron mask. He did not doubt but Lafayette was one of

them, and making himself professionally acquainted with the military surgeon of the post, soon became sure of it. By very ingenious means, Dr Bollmann contrived to communicate his projects through this surgeon to Lafayette, and to obtain answers without exciting the surgeon's suspicions; until, at last, after the lapse of several months, during which, to avoid all risk, Dr Bollmann made a long visit at Vienna, it was determined, that an attempt should be made to rescue Lafayette, while on one of the airings, with which he was then regularly indulged, on account of his broken health.

As soon as this was arranged, Dr Bollmann returned to Vienna, and communicated his project to a young American, by the name of Francis K. Huger, then accidentally in Austria; son of the person at whose house in Charleston, Lafayette had been first received on his landing in America; a young man of uncommon talent, decision, and enthusiasm, who at once entered into the whole design, and devoted himself to its execution with the most romantic earnestness. These were the only two persons on the continent, except Lafayette himself, who had the slightest suspicion of any arrangements for his rescue, and neither of these persons knew him by sight. It was therefore concerted between the parties, after the two friends had come to Olmütz in November, that, to avoid all mistakes when the rescue should be attempted, each should take off his hat and wipe his forehead, in sign of recognition; and then, having ascertained a day, when Lafayette would ride out, Dr Bollmann and Mr Huger sent their carriage ahead to Hoff, a post town about twenty five miles on the road they wished to take, with directions to have it waiting for them at a given hour. The rescue they determined to attempt on horseback; and they put no balls into their pistols, and took no other weapons, thinking it would be unjustifiable to commit a murder even to effect their purpose.

Having ascertained that a carriage, which they supposed must contain Lafayette, since there was a prisoner and an officer inside and a guard behind, had passed out of the gate of the fortress, they mounted and followed. They rode by it, and then slackening their pace and allowing it again to go ahead, exchanged signals with the prisoner. At two or three miles from the gate, the carriage left the high

road, and passing into a less frequented tract in the midst of an open country, Lafayette descended to walk for exercise, guarded only by the officer who had been riding with him. This was evidently the moment for their attempt. They therefore rode up at once; and after an inconsiderable struggle with the officer, from which the guard fled to alarm the citadel, the rescue was completed. One of the horses, however, had escaped during the contest, and thus only one remained with which to proceed. Lafayette was immediately mounted on this horse, and Mr Huger told him, in English, to go to Hoff. He mistook what was said to him for a mere general direction to go *off*—delayed a moment to see if he could not assist them—then went on—then rode back again, and asked once more, if he could be of no service—and finally, urged anew, galloped slowly away.

The horse, that had escaped, was soon recovered, and both Dr Bollmann and Mr Huger mounted him, intending to follow and assist Lafayette. But the animal proved intractable,* threw them and left them, for some time, stunned by their fall. On recovering their horse a second time, Dr Bollmann alone mounted; Mr Huger thinking that, from his own imperfect knowledge of the German, he could not do as much towards effecting their main purpose. These accidents defeated their romantic enterprise. Mr Huger, who could now attempt his escape only on foot, was soon stopped by some peasants, who had witnessed what had passed. Dr Bollmann easily arrived at Hoff; but not finding Lafayette there, lingered about the frontiers till the next night, when he too was arrested and delivered up to the Austrians. And finally Lafayette, having taken a wrong road and pursued it till his horse could proceed no further, was stopped at the village of Jägersdorff, as a suspicious person, and detained there till he was recognised by an officer from Olmütz, three days afterwards. All three of them were brought back to the citadel separately, and were there separately confined without being permitted to know anything of each other's fate. Mr Huger was chained to the floor, in a small arched dungeon, about six feet by eight, without light and with only bread and water for food; and once in six hours, by day and

* This was the horse prepared for Lafayette. The other, on which it had been necessary to mount him, had been expressly trained to carry two persons.

by night, the guard entered, and with a lamp, examined each brick, and each link of his chain. To his earnest request to know something of Dr Bollmann, and to learn whether Lafayette had escaped, he received no answer at all. To his more earnest request to be permitted to send to his mother in America merely the words, 'I am alive,' signed with his name, he received a rude refusal. Indeed, at first, every degree of brutal severity was practised towards both of them; but, afterwards, this severity was relaxed. The two prisoners were placed nearer together, where they could communicate; and their trial for what, in Vienna, was magnified into a wide and alarming conspiracy, was begun with all the tedious formalities, that could be prescribed by Austrian fear and caution. How it would have turned, if they had been left entirely unprotected, it is not difficult to conjecture; but at this crisis of their fate, they were secretly assisted by Count Metrowsky, a nobleman living near their prison, whom neither of them had ever seen, and who was interested in them, only for what, in the eyes of his government, constituted their crime. The means he used to influence the tribunal, that judged them, may be easily imagined, since they were so far successful, that the prisoners, after having been confined for trial eight months, were sentenced only to a fortnight's imprisonment as their punishment, and then released. A few hours after they had left Olmütz, an order came from Vienna directing a new trial, which under the management of the ministers would of course have ended very differently from the one managed by Count Metrowsky; but the prisoners were already beyond the limits of the Austrian dominions.

Lafayette, in the meanwhile, was thrown back into his obscure and ignominious sufferings, with hardly a hope that they could be terminated, except by his death. During the winter of 1794-5, he was reduced to almost the last extremity by a violent fever; and yet was deprived of proper attendance, of air, of suitable food, and of decent clothes To increase his misery, he was made to believe, that he was only reserved for a public execution, and that his chivalrous deliverers had already perished on the scaffold; while at the same time, he was not permitted to know whether his family were still alive, or had fallen under the revolutionary axe, of which, during the few days he was out of his dungeon, he had heard such appalling accounts

Madame de Lafayette, however, was nearer to him than he could imagine to be possible. She had been released from prison, where she, too, had nearly perished; and, having gained strength sufficient for the undertaking, and sent her eldest son for safety to the care of General Washington, she sat out, accompanied by her two young daughters for Germany, all in disguise, and with American passports. They were landed at Altona, and, proceeding immediately to Vienna, obtained an audience of the Emperor, who refused to liberate Lafayette, but as it now seems probable, against the intentions of his ministers gave them permission to join him in his prison. They went instantly to Olmütz; but before they could enter, they were deprived of whatever they had brought with them to alleviate the miseries of a dungeon, and required, if they should pass its threshold, never again to leave it. Madame de Lafayette's health soon sunk under the complicated sufferings and privations of her loathsome imprisonment, and she wrote to Vienna for permission to pass a week in the capital, to breathe purer air and obtain medical assistance. Two months elapsed before any answer was returned; and then she was told, that no objection would be made to her leaving her husband; but that, if she should do so, she must never return to him. She immediately and formally signed her consent and determination 'to share his captivity in all its details;' and never afterwards made an effort to leave him. Madame de Staël has well observed, when on this point of the history of the French Revolution;—'antiquity offers nothing more admirable, than the conduct of General Lafayette, his wife and his daughters, in the prison of Olmütz.'

One more attempt was made to effect the liberation of Lafayette, and it was made in the place and in the way, that might have been expected. When the Emperor of Austria refused the liberty of her husband to Madame de Lafayette, he told her that 'his hands were tied.' In this remark, the Emperor could, of course, allude to no law or constitution of his empire, and therefore, his hands could be tied only by engagements with his allies in the war against France. England was one of these allies, and therefore, General Fitzpatrick, in the House of Commons, on the 16th December, 1796, made a motion for an inquiry into the case. He was

supported by Colonel Tarleton, who had fought against Lafayette in Virginia, by Wilberforce, and by Fox; but the motion was lost. One effect, however, unquestionably followed from it. A solemn and vehement discussion, on Lafayette's imprisonment, in which the Emperor of Austria found no apologist, had been held in the face of all Europe; and all Europe, of course, was informed of his sufferings, in the most solemn and authentic way.

When, therefore, General Clarke was sent from Paris to join Bonaparte in Italy, and negotiate a peace with the Austrians, it was understood, that he received orders to stipulate for the deliverance of the prisoners in Olmütz, since it was impossible for France to consent to such an outrage on the rights of citizenship, as would be implied by their further detention. On opening the negotiation, an attempt was made on the part of Austria, to compel Lafayette to receive his freedom on conditions prescribed to him; but this he distinctly refused; and in a document that has often been published, declared with a firmness, which we can hardly believe would have survived such sufferings, that he would never accept his liberation in any way, that should compromise his rights and duties, either as a Frenchman, or *as an American citizen*. He was with his family released, at last, on the 25th August, 1797; Madame de Lafayette and her daughters having been confined twentytwo months, and Lafayette himself five years, in a disgraceful spirit of vulgar cruelty and revenge, of which modern history can afford, we trust, very few examples.*

* Madame de Lafayette never entirely recovered from it. Her constitution had been crushed by her sufferings; and though she lived ten years afterwards, she never had the health with which she entered the dungeon of Olmütz. She died, at last, at La Grange, in December 1807.

During Lafayette's imprisonment, our own government employed such means as were in its power for his release. The American ministers at the European Courts were instructed to use their exertions to this end; and when Washington found that no success was to be hoped from this quarter, he wrote a letter with his own hand to the Emperor of Austria, interceding in behalf of this early friend of American liberty. The letter is introduced in this place, as reflecting honor on the feelings and character of Washington, and as expressing sentiments not more deeply cherished by him, than by a whole nation.

'It will readily occur to your Majesty, that occasions may sometimes exist, on which official considerations would constrain the chief of a nation to be silent and passive, in relation even to objects which affect his sensibility, and claim his interposition as a man. Finding myself precisely in this situation

France was still too little settled to promise peace or safety to Lafayette and his family. They proceeded first to Hamburg; and then, after causing their rights both as French and American citizens to be formally recognised, went to the neighboring territories of Holstein, where they lived in retirement and tranquillity two years. There they were joined by their eldest son, who came to them from the family of General Washington; there, too, their eldest daughter was married to Latour Maubourg, brother of the person who had shared Lafayette's captivity; and there he first devoted himself with great earnestness to those agricultural pursuits, which have since constituted the occupation and the happiness of his life. While, however, he was thus living tranquil and happy in the midst of his family in Holstein, but anxiously watching the progress of events in France, the revolution of the 18th Brumaire, November 10th, 1799, happened, and promised for a time to settle the government of his country on a safer foundation. He immediately returned to France, and established himself at La Grange; a fine old castle, surrounded by a moderate estate about forty miles from Paris, where he has lived ever since.

When, however, Bonaparte, to whom the revolution of the 18th Brumaire had given supreme control, began to frame his constitution and organise his government, Lafayette perceived, at once, that the principles of freedom would not

at present, I take the liberty of writing this private letter to your majesty, being persuaded that my motives will also be my apology for it.

'In common with the people of this country, I retain a strong and cordial sense of the services rendered to them by the Marquis de Lafayette; and my friendship for him has been constant and sincere. It is natural, therefore, that I should sympathise with him and his family in their misfortunes; and endeavor to mitigate the calamities they experience, among which his present confinement is not the least distressing.

'I forbear to enlarge on this delicate subject. Permit me only to submit to your majesty's consideration, whether his long imprisonment, and the confiscation of his estate, and the indigence and dispersion of his family, and the painful anxieties incident to all these circumstances, do not form an assemblage of sufferings, which recommend him to the mediation of humanity? Allow me, Sir, on this occasion to be its organ, and to entreat that he may be permitted to come to this country, on such conditions as your majesty may think it expedient to prescribe.

'As it is a maxim with me not to ask what, under similar circumstances, I would not grant, your majesty will do me the justice to believe, that this request appears to me to correspond with those great principles of magnanimity and wisdom, which form the basis of sound policy and durable glory.'

be permanently respected. He had several interviews and political discussions with the Consul, and was much pressed to accept the place of Senator, with its accompanying revenues, in the new order of things; but he refused, determined not to involve himself in changes, which he already foresaw he should not approve. In 1802, Bonaparte asked to be made First Consul for life; Lafayette voted against it, entered his protest, and sent a letter to Bonaparte himself; and from this moment all intercourse between them ceased. Bonaparte even went so far as to refuse to promote Lafayette's eldest son, and his son in law Lasteyrie, though they distinguished themselves repeatedly in the army; and once, when a report of the services of the former in a bulletin was offered him, he erased it with impatience, saying, 'These Lafayettes cross my path everywhere.' Discouraged, therefore, in every way in which they could be of service to their country, the whole family was at last collected at La Grange, and lived there in the happiest retirement, so long as the despotism of Bonaparte lasted.

The restoration of the Bourbons in 1814 made no change in Lafayette's relations. He presented himself once at court, and was very kindly received; but the government they established was so different from the representative government, which he had assisted to form, and sworn to support in 1789, that he did not again present himself at the palace. The Bourbons, by neglecting entirely to understand or conciliate the nation, at the end of a year, brought back Bonaparte, who landed the first of March, 1815, and reached the capital on the 20th. His appearance in Paris was like a theatrical illusion, and his policy seemed to be to play all men, of all parties, like the characters of a great drama, around him. Immediately on his arrival upon the soil of France, he endeavored to win the old friends of French freedom; and the same day, that he made his irruption into the ancient palace of the Thuilleries, he appointed Carnot his minister of war, and Carnot was weak enough to accept the appointment. In a similar way, he endeavored to obtain the countenance and cooperation of Lafayette. Joseph Bonaparte, to whom Lafayette had been personally known, and for whom he entertained a personal regard, was employed by the Emperor to consult and conciliate him; but Lafayette

would hold no communion with the new order of things. He even refused, though most pressingly solicited, to have an interview with the Emperor; and ended, when still further urged, by positively declaring, that he could never meet him, unless it should be as a representative freely chosen by the people.

On the 22d of April, Napoleon offered to the French nation his *Acte Additionel*, or an addition, as he chose to consider it, to the constitution of 1799, 1802, and 1804; confirming thereby, the principles of his former despotism, but establishing, among other things, an hereditary chamber of peers, and an elective chamber of representatives. This act was accepted, or pretended to be accepted, by the votes of the French people; but Lafayette entered his solemn protest against it, in the same spirit with which he had protested against the Consulship for life. The very college of Electors, however, who received his protest, unanimously chose him first to be their President, and afterwards to be their Representative; and the Emperor, determined to obtain his influence, or at least his silence, offered him the first peerage in the new chamber he was forming. Lafayette was as true to his principles, as he had often been before, under more difficult circumstances. He accepted the place of representative, and declined the peerage.

As a representative of the people he saw Bonaparte, for the first time, at the opening of the chambers, on the 7th of June. 'It is above twelve years, since we have met, General,' said Napoleon, with great kindness of manner, when he saw Lafayette; but Lafayette received the Emperor with marked distrust; and all his efforts were directed as he then happily said they should be, 'to make the chamber of which he was a member, a representation of the French people, and not a Napoleon club.' Of three candidates for the presidency of the chamber, on the first ballot, Lafayette and Lanjuinais had the highest number of votes; but finding that the Emperor had declared he would not accept Lanjuinais, if he should be chosen, Lafayette used great exertions and obtained a majority for him; to which circumstances compelled Napoleon to submit. From this moment, until after the battle of Waterloo, which happened in twelve days, Lafayette did not make himself prominent in the cham-

ber. He voted for all judicious supplies, on the ground that France was invaded, and that it was the duty of all Frenchmen to defend their country; but he in no way implicated himself in Bonaparte's projects or fortunes, with which it was impossible he could have anything in common.

At last, on the 21st June, Bonaparte arrived from Waterloo, a defeated and desperate man. He was already determined to dissolve the representative body, and, assuming the whole dictatorship of the country, play, at least, one deep and bloody game for power and success. Two of his council, Regnault de St Jean d'Angely, and Thibaudeau, who were opposed to this violent measure, informed Lafayette, that it would be taken instantly, and that in two hours the chamber of representatives would cease to exist. There was, of course, not a moment left for consultation or advice; the Emperor, or the chamber, must fall that morning. As soon, therefore, as the session was opened, Lafayette, with the same clear courage and in the same spirit of self devotion, with which he had stood at the bar of the National Assembly in 1792, immediately ascended the Tribune for the first time for twenty years, and said these few words, which assuredly would have been his death warrant, if he had not been supported in them by the assembly he addressed; 'When, after an interval of many years, I raise a voice which the friends of free institutions will still recognise, I feel myself called upon to speak to you only of the dangers of the country, which you alone have now the power to save. Sinister intimations have been heard; they are unfortunately confirmed. This, therefore, is the moment for us to gather round the ancient tricolored standard; the standard of '89; the standard of freedom, of equal rights, and of public order. Permit then, gentlemen, a veteran in this sacred cause, one who has always been a stranger to the spirit of faction, to offer you a few preparatory resolutions, whose absolute necessity, I trust, you will feel as I do.' These resolutions declared the chamber to be in permanent session, and all attempts to dissolve it, high treason; and they also called for the four principal ministers to come to the chamber, and explain the state of affairs. Bonaparte is said to have been much agitated, when word was brought him simply that Lafayette was in the tribune; and his fears were certainly not

ill founded, for these resolutions, which were at once adopted, both by the representatives and the peers, substantially divested him of his power, and left him merely a factious and dangerous individual in the midst of a distracted state.

He hesitated during the whole day, as to the course he should pursue; but, at last, hoping that the eloquence of Lucien, which had saved him on the 18th Brumaire, might be found no less effectual now, he sent him with the three other ministers to the chamber, just at the beginning of the evening; having first obtained a vote, that all should pass in secret session. It was certainly a most perilous crisis. Reports were abroad that the populace of the Faubourgs had been excited, and were arming themselves. It was believed, too, with no little probability, that Bonaparte would march against the chamber, as he had formerly marched against the council of Five Hundred, and disperse them at the point of the bayonet. At all events, it was a contest for existence, and no man could feel his life safe. At this moment, Lucien rose, and in the doubtful and gloomy light, which two vast torches shed through the hall and over the pale and anxious features of the members, made a partial exposition of the state of affairs, and the projects and hopes he still entertained. A deep and painful silence followed. At length Mr Jay, well known above twenty years ago in Boston, under the assumed name of Renaud, as a teacher of the French language, and an able writer in one of the public newspapers of that city, ascended the Tribune, and, in a long and vehement speech of great eloquence, exposed the dangers of the country, and ended by proposing to send a deputation to the Emperor, demanding his abdication. Lucien immediately followed. He never showed more power, or a more impassioned eloquence. His purpose was to prove, that France was still devoted to the Emperor, and that its resources were still equal to a contest with the allies. 'It is not Napoleon,' he cried, 'that is attacked, it is the French people. And a proposition is now made to this people to abandon their Emperor; to expose the French nation, before the tribunal of the world, to a severe judgment on its levity and inconstancy. No, sir, the honor of this nation shall never be so compromised!' On hearing these words, Lafayette rose. He did not go to the tribune; but spoke, con-

trary to rule and custom, from his place. His manner was perfectly calm, but marked with the very spirit of rebuke; and he addressed himself, not to the President, but directly to Lucien. 'The assertion, which has just been uttered, is a calumny. Who shall dare to accuse the French nation of inconstancy to the Emperor Napoleon? That nation has followed his bloody footsteps through the sands of Egypt and through the wastes of Russia; over fifty fields of battle; in disaster as faithfully as in victory; and it is for having thus devotedly followed him, that we now mourn the blood of three millions of Frenchmen.' These few words made an impression on the Assembly, which could not be mistaken or resisted; and as Lafayette ended, Lucien himself bowed respectfully to him, and, without resuming his speech, sat down.

It was determined to appoint a deputation of five members from each chamber, to meet the grand council of the ministers, and deliberate in committee, on the measures to be taken. This body sat during the night, under the presidency of Cambaceres, Arch Chancellor of the empire. Lafayette moved, that a deputation should be sent to Napoleon, demanding his abdication. The Arch Chancellor refused to put the motion; but it was as much decided, as if it had been formally carried. The next morning, June 22d, the Emperor sent in his abdication, and Lafayette was on the committee that went to the Thuilleries to thank him for it, on behalf of the nation.

A crude, provisional government was now established by the two chambers, which lasted only a few days, and whose principal measure was the sending a deputation to the allied powers, of which Lafayette was the head, to endeavor to stop the invasion of France. This of course failed, as had been foreseen; Paris surrendered on the 3d of July, and what remained of the representative government, which Bonaparte had created for his own purposes, but which Lafayette had turned against him, was soon afterwards dissolved. Its doors were found guarded on the morning of the 8th, but by what authority has never been known; and the members met at Lafayette's house, entered their formal protest, and went quietly to their own homes.

Lafayette retired immediately to La Grange, from which, in fact, he had been only a month absent, and resumed at

once his agricultural employments. There, in the midst of a family of above twenty children and grand children, who all look up to him as their patriarchal chief, he lives in a simple and sincere happiness rarely granted to those, who have borne such a leading part in the troubles and sufferings of a great period of political revolution. Since 1817 he has been twice elected to the Chamber of Deputies, and in all his votes has shown himself constant to his ancient principles. When the ministry proposed to establish a censorship of the press, he resisted them in an able speech; but Lafayette was never a factious man, and therefore, he has never made any further opposition to the present order of things in France, than his conscience and his official place required. That he does not approve the present constitution of the monarchy, or the political principles and management of the existing government, his votes as a deputy, and his whole life, plainly show; and that his steady and temperate opposition is matter of serious anxiety to the family now on the throne is apparent, from their conduct towards him during the last nine years, and their management of the public press since he has been in this country. If he chose to make himself a tribune of the people, he might at any moment become formidable; but he trusts rather to the progress of general intelligence and political wisdom throughout the nation, which he feels sure will, at last, bring his country to the practically free government, he has always been ready to sacrifice his life to purchase for it. To this great result he looks forward, as Madame de Staël has well said of him, with the entire confidence a pious man enjoys in a future life; but, when he feels anxious and impatient to hasten onward to it, he finds a wisdom tempered by long experience stirring within him, which warns him, in the beautiful language of Milton, that 'they also serve who only stand and wait.'

This is the distinguished personage, who, after an absence of eight and thirty years, is now come to visit the nation, for whose independence and freedom he hazarded whatever is most valued in human estimation, almost half a century ago. He comes, too, at the express invitation of the entire people; he is literally the 'Guest of the Nation;' but, the guest, it should be remembered, of another generation, than the one he originally came to serve. We rejoice at it. We rejoice,

in common with the thousands who throng his steps wherever he passes, that we are permitted to offer this tribute of a gratitude and veneration, which cannot be misinterpreted, to one, who suffered with our fathers for our sake; but we rejoice yet more for the moral effect it cannot fail to produce on us, both as individuals and as a people. For it is no common spectacle, which is now placed before *each of us* for our instruction. We are permitted to see one, who, by the mere force of principle, by plain and resolved integrity, has passed with perfect consistency, through more remarkable extremes of fortune, than any man now alive, or perhaps, any man on record. We are permitted to see one who has borne a leading and controlling part in two hemispheres, and in the two most important revolutions the world has yet seen, and has come forth from both of them without the touch of dishonor. We are permitted to see that man, who first put in jeopardy his rank and fortune at home, in order to serve as a volunteer in the cause of Free Institutions in America, and afterwards hazarded his life at the bar of the National Assembly, to arrest the same cause, when it was tending to excess and violence. We are permitted to see the man, who, after three years of unbroken political triumph, stood in the midst of half a million of his countrymen, comprehending whatever was great, wise and powerful in the nation, with the *oriflamme* of the monarchy at his feet, and the confidence of all France following his words, as he swore on their behalf to a free constitution; and yet remained undazzled and unseduced by his vast, his irresistible popularity. We are permitted to see the man, who, for the sake of the same principles to which he had thus sworn, and in less than three years afterwards, was condemned to such obscure sufferings, that his very existence became doubtful to the world, and the place of his confinement was effectually hidden from the inquiries of his friends, who sent emissaries over half Europe to discover it; and yet remained unshaken and undismayed, constantly refusing all appearance of compromise with his persecutors and oppressors. We are, in short, permitted to see a man, who has professed, amidst glory and suffering, in triumph and in disgrace, the same principles of political freedom on both sides of the Atlantic; who has maintained the same tone, the same air, the same open confidence, amidst

the ruins of the Bastille, in the Champ de Mars, under the despotism of Bonaparte, and in the dungeons of Olmütz.

We rejoice, too, no less in the effect which this visit of General Lafayette is producing upon us *as a nation.* It is doing much to unite us. It has brought those together, who have been separated by long lives of political animosity. It helps to break down the great boundaries and landmarks of party. It makes a holiday of kind and generous feelings in the hearts of the multitudes that throng his way, as he moves in triumphal procession from city to city. It turns this whole people from the bustle and divisions of our wearisome elections, the contests of the senate house, and the troubles and bitterness of our manifold political dissentions; and instead of all this, carries us back to that great period in our history, about which opinions have long been tranquil and settled. It offers to us, as it were, with the very costume and air appropriate to the times, one of the great actors, from this most solemn passage in our national destinies; and thus enables us to transmit yet one generation further onward, a sensible impression of the times of our fathers; since we are not only permitted to witness ourselves one of their foremost leaders and champions, but can show him to our children, and thus leave in their young hearts an impression, which will grow old there with their deepest and purest feelings. It brings, in fact, our revolution nearer to us, with all the highminded patriotism and selfdenying virtues of our forefathers; and therefore naturally turns our thoughts more towards our posterity, and makes us more anxious to do for them what we are so sensibly reminded was done with such perilous sacrifices for us.

We may be allowed, too, to add, that we rejoice in General Lafayette's visit, *on his own account.* He enjoys a singular distinction; for it is a strange thing in the providence of God, one that never happened before, and will, probably, never happen again, that an individual from a remote quarter of the world, having assisted to lay the foundation of a great nation, should be permitted thus to visit the posterity of those he served, and witness on a scale so vast, the work of his own sacrifices; the result of grand principles in government, for which he contended before their practical effect had been tried; the growth and maturity of institutions,

which he assisted to establish, when their operation could be calculated only by the widest and most clear sighted circumspection. We rejoice in it, for it is, we doubt not, the most gratifying and appropriate reward, that could be offered to a spirit like his. In the beautiful phrase which Tacitus has applied to Germanicus, *fruitur fama ;* for he must be aware, that the ocean which rolls between us and Europe, operates like the grave on all feelings of passion and party, and that the voice of gratitude and admiration, which now rises to greet him, from every city, every village, and every heart, of this wide land, is as pure and sincere as the voice of posterity.

Art. VII.—*Reports of Cases argued and determined in the Supreme Judicial Court of Massachusetts.* By Octavius Pickering, Counsellor at Law. Vol. 1 ; Containing the Cases from September Term, 1822, in Berkshire, to October Term, 1823, in Middlesex. Boston, Wells & Lilly. pp. 580.

It is not our province to keep our readers thoroughly instructed in the laws, and make our review a substitute for a law journal. In this country the law is the only sovereign whose supremacy is acknowledged ; and as in monarchies and empires reports of the health of the king or emperor are often made to the public, as being a matter in which all his subjects are interested, so we owe it to the public to give occasional notices of any material circumstances affecting the state and condition of this sovereign of ours. Some of our readers may possibly be of opinion, that we perform this part of our duty with an over scrupulous fidelity, and, in this *legal dispensation*, impose upon ourselves, and upon them, some supererogatory labors. If it be so, and we lose sight of our proper objects by turning too often in pursuit of the law, it will be conceded to us, as some excuse, that we err on the safer side, for of all subjects that can occupy the community, none is more important, and of a more deep and lasting interest, than the character and state of our laws ; since no cause so intimately affects the dignity, prosperity, morals, and hap-

piness of the community, as the spirit and administration of those rules upon which the enjoyment of life, liberty, rights, and property, depend. But we do not now propose to occupy our readers with the subject of codification, nor to go into any elaborate disquisition, but merely to give a very brief notice of the volume of which the title is prefixed to this article; to which we are induced, in a great measure, by the circumstance, that it is the first published by the present reporter of the Supreme Court of Massachusetts.

Before speaking of our particular subject, we will, however, by way of further apology, premise a word respecting a complaint repeated very frequently of late in regard to law books. As long ago as the time of Solomon, it seems that 'there was no end of making many books;' and, some two thousand years since, the Greeks found 'much study to be a weariness,' as appears by their maxim that a great book is a great evil,—to the reader, they meant, no doubt,—and to one who must both purchase and read, the evil is doubled; and of this sort of evils, a law book is certainly not among the least. The men of the law seem to have suffered under more than their just share of this general and ancient calamity, if we may believe their lamentations over the ratio of their number of books, to that of their clients. On this ground we hear loud calls from many quarters for codes and abridgments. Men in the profession wish that books may, at some age or other, become obsolete; or at least that some device may be hit upon to bring this overgrown science within 'reasonable compass;' and men out of the profession, though not at all surprised that every one is not, and cannot be, an adept in theology, physic, natural philosophy, botany, &c. yet seem to be surprised that the law cannot be so abridged, simplified, and elucidated, that every boy leaving the public schools should be a good practising attorney; and that a learned, deep read counsellor at law, should not become a rare and useless curiosity.

We will not, however, enlarge upon these interesting subjects in this place, but remark merely that all which has been said upon them, by way of complaints and projects, shows no ground of objection to the publishing of reports. These exhibit an accurate and authentic history of the administration of the laws, of which it is of vital importance to the

well being of the community, that the public should have ample means to inform themselves. A barrister, who through the medium of the reports, addresses his arguments to the whole profession, both of the present and future times, feels a much stronger motive to make himself completely master of his subject, than if the knowledge of the case which he argues were limited to the court before which it is pending, and the auditors present. A judge, who knows that his decisions, with their reasons, will be recorded and made public, and compared with each other, and tested by those of other judges and courts of former and aftertimes, and yet is ready to throw out hasty conceptions and first impressions, in crude and loose propositions, must be indifferent to his own reputation, and public opinion, as well as regardless of right and wrong, and of his obligations to parties and the public. The practice of reporting decisions, with their grounds and reasons, is indeed an insuperable barrier to the corruption of judges; and what is of greater importance, (for in this country we are at an immeasurable distance from any fear of direct corruption,) it is the strongest possible guard against negligent and inconsiderate decrees. The motives, on the part of the court, to give able opinions, well fortified by reasons and authorities, are so much strengthened and enforced by the practice of reporting, that we may safely say that the judge, who, notwithstanding these motives, ventures to dispose of important and difficult questions, in a summary and superficial manner, must do so under the conviction that he is totally incompetent to an elaborate investigation, or from some constitutional or habitual disqualification for his place, which amounts to a moral necessity of deciding without weighing.

The publication of reports, again, affords the only means of informing the community of the laws by which their conduct is to be governed, and their rights to be determined, since the combined wisdom, talents, and experience of the country, if they could be brought to act in concert, and with the greatest advantages, upon the subject, could not frame a body of laws, which would anticipate and provide for all cases, and would not give rise to innumerable questions of interpretation; and the multitude of contracts, which men are continually making, and which a good system of legislation takes care to leave them free to make, is incessantly giving rise to questions of

construction; and the interpretations and constructions adopted by the courts are quite as important as the laws and contracts that give rise to them; they are in fact a part of the law, and it is as requisite that they should be fixed and made known, as that laws should be made and published. A people that has not the means of being informed of the decisions of its courts, and the reasons and principles of those decisions, may in truth be said not to have the means of knowing the laws by which they are governed. And the practice of publishing reports of adjudged cases is the only way of establishing these constructions, and interpretations, upon a secure foundation in the reasons and principles on which they are grounded, and in precedents, or in other words, recorded and recognised usages.

There are the same reasons for publishing reports of adjudged cases, as for publishing laws, and no expense incurred by a government is better bestowed, or goes more directly and effectually to promote the great and fundamental purposes of civil institutions, than the encouragement given for the publication of such reports. We were accordingly surprised at the difficulty recently made in the legislature of Vermont, in voting a sum of money for this purpose, and at the very small amount, (one hundred and fifty dollars if we recollect rightly,) that was deemed sufficient. It is still more remarkable, that some of the states give no encouragement at all to the publication and distribution of reports of judicial decisions, and in fact have no such reports. Others depend upon the voluntary labors of such lawyers, as may be disposed to undertake reporting, from hopes of reputation, and, in some instances perhaps, of a little profit, in respect to which the most modest expectation is in great danger of disappointment; or, if it be not disappointed, the profits afforded in our market by a publication of this description are in general so trifling, that if the reporter obtains for his time and labor, a recompense equivalent to the wages of a common daylaborer, he owes the public a debt of gratitude for their liberal patronage. But this is a very precarious way of supplying the community with the means of knowing by what laws and rules of conduct they are governed; and to depend upon it, is like a man's neglecting to provide for his household, trusting that a neighbor, induced by charity or some other

motive, will supply his neglect. Such a family has the prospect of being ill supplied, with the chance of being starved.

The office of a reporter is highly responsible and intensely laborious, and deserves a liberal compensation. It is the practice in the Massachusetts, as it is in the United States, and in many, and we believe most of the State courts, for the judges to give written opinions on the most important and difficult questions brought before them. The practice appears to be otherwise in most of the English courts, which gives the judges sometimes opportunity, and sometimes no doubt, occasion, to say, that the reporter must have mistaken the language of the court. The only objection to the practice of giving written opinions is the additional labor it costs the judges; but the manual labor of writing out an opinion is very trifling in comparison with that of making it up, and choosing and arranging the authorities and reasons on which it is founded; as every lawyer experiences as often he has occasion to give a written opinion. This inconvenience does not, therefore, outweigh the reasons in favor of this practice, inasmuch as it secures a more thorough and laborious consideration of questions on the part of the court, is an additional guard against crude and hasty opinions, and it checks the expression of broad and general propositions, under which indolence and inability are always ready to shelter themselves. Lord Ellenborough somewhere recommends the perusal of the earlier decisions upon a question then before the court, for the purpose of 'purifying the mind from the generalities' that had crept into the subsequent cases. These 'generalities' make it very easy to decide the pending question, as they afford a great space within which to bring it, or, to use a logical term, they furnish a very comprehensive *major*, which being once assumed, may be easily shown to include the *minor*, or particular question before the court; and the premises being conceded as a *που στω*, the conclusion is irresistible. But very soon another case will be offered to the court, which comes literally within this 'generality,' and yet too plainly requires a different decision. Accordingly this case is decided upon 'its particular circumstances,' or is considered to be an exception, and then another exception follows, until at length you have nothing but exceptions, and the rule disappears. The greatest talents,

learning, diligence, and caution cannot secure judges from occasionally laying down propositions in too broad terms. 'The attention of the court,' says Mr Justice Jackson, 'is naturally drawn particularly to the case before them; and though all that is said by them may be correct as applied to that case, yet when applied to another not then under consideration, it may, if adopted literally and in its whole extent, lead to results which the court did not anticipate, and would not have approved.' Whatever, therefore, puts the court on its guard against uttering propositions that lead to such results, is of great importance, and the practice of giving written opinions, to be published as a sort of testimony *in perpetuam memoriam*, is the most effectual guard for this purpose. And a reported opinion of a court ought to be written, or at least approved, by the judge to whom it is attributed, for the purpose of giving to it its just authority. And all the reasons in favor of opinions prepared in writing, by the court, and indeed, in favor of reporting opinions at all, may also be urged in favor of giving the name of the judge by whom the opinion is drawn up. Except in matters of practice, and the most distinct and insulated cases, in which the point decided, and the grounds and extent of the decision, cannot possibly be mistaken, we always regret to see *per curiam* prefixed to the opinion of the court.

Though the practice of giving written opinions upon all important questions abridges the labor, and still more the responsibility of the reporter, yet there is quite enough left for him to do and to be responsible for. He must, in the first place, select the cases to be deemed of sufficient interest and importance to publish, and those in which the facts, and grounds of the decision can be definitely and satisfactorily stated; and as he cannot make this selection beforehand, he is under the necessity of taking full and minute notes of all the cases argued. In many cases brought before a court for decision, the law of the case is so blended and confounded with the facts, that it is not possible for the reporter to extract from the whole case any precise definite point decided, or ground of decision. If the court assigns many distinct grounds of decision, without saying how far their opinion is determined by each, or whether any one ground is conclusive, there is nothing to report. Very often a decision turns wholly upon

a construction of facts, that are not likely ever to recur again in the same combination. It is in many instances worth while for the parties to present a question to the court, which yet is not so important and of such general interest, as to be a proper subject of a report. A reporter must of course depend upon the counsel and the court for his materials, but it can hardly be expected that the cases brought before a State tribunal are so stated and argued by the counsel, and so fully investigated by the court, and at the same time of such importance and interest, as to make it expedient to report them all. Provided the reporter exercises his own discretion, without too great influence of the court, in selecting cases to report, a publication of a third, or half, or at most two thirds of the cases argued and determined, is quite as useful as to publish the whole number. To select this third or half of the cases requires a very attentive examination of them all. To make a good selection of cases, in which not any of importance are omitted, and not any that would be superfluous, are reported, and to present perspicuous and satisfactory statements of the facts and the arguments of counsel, requires not a little talent, discrimination, labor, legal science and skill; and in all these respects Mr Pickering's volume is, as far as our information extends, entirely satisfactory to the profession, and gives him a just title to the reputation of an able reporter. We have not noticed any case in the volume which is not worth reporting. The cases are stated with great precision and perspicuity, and we have not met with an instance in which it was necessary to read the case a second time to be possessed of the facts. When one reads or hears a story well told, or a statement of facts well made, nothing seems more easy than to tell the story or make the statement, and yet it is a thing in which few people succeed. A lawyer has frequent occasion to regret the rareness, of this talent, when he finds himself obliged to grope his way to a knowledge of a case in an obscure wilderness of facts, spread over some three or four pages, without any arrangement, full of circumlocutions and repetitions, and presenting all together, not a case, but only the rude, undigested materials of one. The profession owes its thanks to a reporter who gives his cases in a succinct, lucid manner, and, at the same time, without omitting what is material; for he saves

them from the loss of money in purchasing a mass of surplussage, and from the loss of time in bringing together and arranging the *disjuncta membra* of the cases.

We have not found, in this volume, any instance of another fault sometimes to be met with in books of reports, where the reporter gives all the facts with sufficient minuteness, and hands over the subject to the judge, to begin where he began, and go over the whole story again; or at least as much of it as was necessary to have been told at all. We do not mean to imply that the excellence of a report is inversely as its length; wherever a material circumstance is omitted the report is useless, because it is impossible to know what was decided, and it is worse than useless, because it may lead to mistakes of the law, and will be perpetually cited in all cases of any affinity to it, for it will fit one almost as well as another. Not a few cases of this description, more especially of those at *nisi prius*, have been bandied at the bar, through all the successive generations of lawsuits, and may always continue to be brought into service to increase the array of authorities, and lend support to lame cases; for they cannot be confuted or overruled. In all cases of doubt, as to the materiality of facts, it is safer to err, if at all, by stating, rather than by omitting them. But there is no excuse for mere repetitions, and we have not observed any instance in which Mr Pickering needs any such excuse.

One of the most difficult parts of a reporter's labor is that of reporting the arguments of counsel. Some have doubted the expediency of giving much space to this part of a report, saying that the case and the opinion of the court present all that is decided, together with the authorities, and the grounds of the decision. In many cases, in some reports, as the Modern Reports and those of Dallas, on the contrary, the arguments of counsel are given, and the opinion of the court omitted; the reporter tells us that such and such were the arguments of counsel on each side, and such was the decree of the court, and leaves the reader to conjecture the grounds of the decision. The opinion is certainly to be preferred to the arguments, if one only is to be given; but it is better to report both where the question is difficult or important, and where there are both to be reported; for cases are sometimes submitted without argument, and sometimes decided by a naked

decree, the grounds of which are not stated. The practice of reporting the arguments is of great importance in its influence upon the character of the profession, and so upon the administration of the laws in general. When all the reasons and authorities presented by the counsel, on each side of a question, are made a part of the report, it puts the court under a necessity of fortifying their decision against the reasons and authorities adduced to the contrary, and thus guaranties a diligent examination of the subject. And then it is but just that counsel, while they are responsible for the presentment of the case, should have whatever credit they may be entitled to, on account of their research, and whatever of talent and ingenuity they display. In consulting an authority it is often of importance, in order to estimate its weight and bearing, to know how the question was presented to the court; and the arguments of the counsel not unfrequently throw great light upon the judicial opinion, and serve as a key to the meaning, application, and force of the expressions used by the judges.

The reason for reporting the arguments of counsel at all, also point out the proper mode of reporting them. There are not wanting instances of American cases in which the reporter favors his readers with a great deal of the declamation of the counsel, including rhetorical flourishes, flights of fancy, and *appeals* from the understanding to the imagination, all literally recorded with as great fidelity, as if the reporter were a sworn stenographer. This is to reduce the business of reporting to a sort of clerkship, in which the labor of the hand takes precedence of that of the mind. Arguments reported in this fashion are a double loss to the profession, who lose the money they pay for them, and also, in general, the argument itself, for they rarely read these interminable discourses, the contents of which remain, forever, a secret known only to the reporter himself. It is enough if he gives concisely and distinctly, all the positions taken by the counsel, with all the reasons and authorities by which he supports them; and to sift these out, and present them distinctly, concisely, and fully, is a work of great labor and difficulty, in which it requires much diligence and skill in the reporter, to be short, and at the same time satisfactory. In this part we think Mr Pickering's reports are exceedingly well made; no

lawyer can have consulted them without remarking the condensed, perspicuous, full, and elaborate manner, in which he has given abstracts of the arguments, throughout this volume. And we more particularly notice this part of his reports, for the purpose of confirming and increasing the public expectation and claims, in respect to subsequent volumes, since this is the part of a report over which a reporter is most likely to begin to drowse, unless his vigilance is excited.

Dean Swift's remarks on the importance of indexes, which he illustrates by a string of ludicrous comparisons of a book and its index, to a ship and the rudder, &c. are gravely applicable to the case of law books, of which the index is by no means the least important part. A book of reports, especially, if it be any treasure at all, is to most purposes a hidden treasure, except so far as its contents are disclosed by the index. It is not surprising, that persons conversant with this sort of publications should sometimes be disappointed in finding some things in the reports that are not in the index, and some things in the index, that are not in the reports; for to make a complete index, requires a clear perception of the points and bearings of the cases, great vigilance and patience in noting them all, and conciseness, precision, and perspicuity in expressing them; and as the reporter may suppose his case to be finished, before the abstract of it is made, he is very likely to make it in too great haste. We have not examined Mr Pickering's abstracts of his cases sufficiently to attest to the accuracy and completeness of all of them, but in a great number which we have examined, we have not met with instances of any that are slovenly, or obscure, or that do not satisfactorily express the points in the case; and we observe in some instances that he is particularly careful not to indicate a broader decision than the court makes. A few of the abstracts include a *perhaps*, and the cases fully bear it out; but we doubt whether it is not more secure both to courts and to those, who must adopt their decisions as authority, that the judges should limit themselves to the expression of their opinions and doubts.

In regard to the subjects of decision in these reports, we do not propose to go into any particular examination of any of them. Many interesting questions are presented to the court for adjudication; and the evidences of patient deliberation and laborious research discoverable in the opinions of

the judges, reflect honor upon this tribunal, and upon the state of which it is so important an institution, and so great an ornament.

There are in this volume three instances of decisions in pursuance of the opinion of a majority of the court, in opposition to that of two of the judges in one case, and that of the Chief Justice, in the others. In the first case, a deputy sheriff had, in levying an execution, seized the goods of a Mr Campbell, who thereupon brought an action of trespass against the deputy sheriff, in which he recovered a judgment, and by virtue of the execution issued upon this judgment, the deputy sheriff had been committed to gaol, whence he was discharged by order of law; and the judgment remained in full force and not satisfied; and the question was whether, after this, Campbell could maintain an action of trespass *de bonis asportatis* against the sheriff, on account of the same cause of action upon which he had already recovered a judgment against his deputy. Chief Justice Parker, and Justices Jackson, and Putnam, were of opinion that he could not; and so, accordingly, was the decision; Justices Thatcher, and Wilde were of opinion that he could maintain the action. The grounds of dissent, are given by Mr Justice Wilde. The second case, in which the court were divided, relates to the construction of the clause in the bill of rights prefixed to the Constitution of Massachusetts, and of the acts of the legislature, respecting the support of religious worship. Justices Thatcher, Putnam, and Wilde, were of opinion that if a person becomes a member of a religious society, without the limits of the parish in which he resides, and gives proper notice of this fact, he is not liable to pay any tax for the support of public worship in the religious society of the parish where he resides; whether the two religious societies be *of the same, or of different denominations;* and so the court decided. The Chief Justice was of opinion that an inhabitant of a parish is not, in this case, exempted from such tax, unless the religious society of which he becomes a member, is *of a different denomination.* Elaborate opinions are given in favor of these different constructions of the bill of rights, and the acts of the legislature.

The reporter has, in some few instances, added notes of authorities relating to the subjects of decision. The time that elapses from the giving of an opinion, until the publication

of the report of it, is not long enough to give an opportunity for many new decisions in other courts relating to the points involved in the cases reported, and it can hardly be expected of a reporter to go through all the indexes, in each case, to pick up what may have been overlooked by the counsel, on each side, and by the court; and accordingly but very few additions of this sort can be looked for. In one instance, p. 283, the reporter cites an additional case of some importance from Barnewall and Alderson, and subjoins—what we think might have been better omitted—a few remarks upon the question, whether the case in Barnewall and Alderson, if it had been brought under the attention of the court, would have influenced their decision. The reader is prepared to follow the editor of a book of reports, that has for some time been before the public, through a range of speculations, and arguments, as well as authorities, but there are many reasons why a reporter, more especially an official one, should confine himself, in the original publication of decisions recently made, to a report and references. The case cited in this instance is certainly very close, in its circumstances, to that decided by the court, and is well worth citing, and the remarks are so short, and at the same time so pertinent, that we should not have thought of excepting to their insertion, but for the practice that has been adopted by other reporters in a few instances, of appending distinct independent treatises to their reports, and thus blending things, which have very little connexion with each other; and making it necessary for many members of the profession to purchase treatises which they may not want.

Art. VIII.—1. *The Seventh Annual Report of the American Society for Colonising the Free People of Color of the United States; with an Appendix.* 8vo. pp. 176. Washington. Davis & Force. 1824.

2. *Correspondence relative to the Emigration of Free People of Color in the United States; together with the Instructions to the Agent sent out by President Boyer.* 8vo. pp. 32. New York. 1824.

The history, designs, and operation of the American Colonisation Society have so recently been made topics of ample

discussion in our journal, that we have no occasion to add more at present, than a few incidental remarks on the present condition and prospects of the Colony abroad and the Society at home. The subject of devising means for relieving the United States of the burden of its colored population, must be deemed by every patriot, and every friend of humanity, as one of deep interest to the nation. We know it is easy to be very extravagant and very chimerical on this subject; to be zealous without knowledge, and active without discretion; to invent theories that will never be put in practice, and dream dreams that will never come to pass. All this we admit, and yet we affirm, that it proves nothing against the practicability of such a scheme as is contemplated by the Colonisation Society, carried forward judiciously and perseveringly to its natural results.

As to the two projects, which have occupied a large share of public attention of late, namely, colonisation in Africa, and emigration to Hayti, there seems no good reason why success should not be wished to both of them, since the ultimate purpose of each, as far as the United States are concerned, is the same. But if a parallel must be drawn between the two, we confess our partiality for the former, inasmuch as it promises in our opinion equal, if not greater advantages to the emigrants themselves, the same benefit to this country, and an infinitely greater one to the cause of humanity. The slave trade, that dark and bloody page in the history of man, can never be suppressed except by efforts in Africa itself. The plant will never wither, nor cease to exhale its poison, till it is thoroughly rooted from the soil, which ministers to its nourishment and growth. Governments may pass laws and execute them, arm navies, and fill the African seas with ships of observation; and all to little effect. The love of gain is the last passion, which is appalled by threatened danger, or yields to physical force. The malady in Africa is a moral and intellectual one; it must be removed by moral and intellectual remedies. Such is the power of habit on the mind, that, after the practice of ages, neither principle, conscience, nor humanity, utters a single remonstrance in the African bosom against this most odious and disgraceful traffic. Civilisation, a knowledge of the arts, and religion, must be the precursors of a better state of society. When this state shall be attained, slavery will exist no longer;

the trade on the ocean will sink to nothing; and millions of human beings, who are now a burden on one quarter of the earth's surface, and defile it by their degradation and their crimes, will be raised to a rank among enlightened nations, form governments on principles of wisdom and equity, and enjoy the blessings of intelligence and virtue. Now we are not so visionary as to say, that a colony of free blacks from America would work such a change; but we do say, that the planting of such a colony is a first step, which may open a train of causes leading to these ends. And to set the thing in a stronger light, it may be added with perfect confidence, that without some such beginning, there seems not the remotest probability of the chains of servitude being broken by any human means, or of the cloud being removed, which buries a continent in its darkness.

From the last Report of the Society, and the intelligence brought home by the agent, who has recently returned from Africa, it appears that the colony at Liberia has enjoyed, up to the present time, a degree of prosperity quite equal to the anticipations of its ardent patrons. In fact, experience has already confuted the most formidable objections at first urged against colonisation. It was insisted, that colonists could not be induced to embark, whereas the voluntary applications have greatly exceeded the number for which the society could provide. Next it was urged, that the expense of transportation would be so heavy, that it could never be met except in a very limited extent; but this item has been proved to be much less than was apprehended, and when the colony shall be so far advanced as to afford profitable return cargoes, it will be reduced to a comparatively insignificant amount. Again, the climate was set forth as destructive of life and health. This is no doubt true to a certain degree, when considered in relation to the climate of northern latitudes, but, except in one or two instances of a very peculiar nature, it does not appear that the colonists have suffered more from sickness, than is common in tropical regions under similar circumstances. Then we are told of the savage and hostile character of the natives, and of their cruel and exterminating wars. The event of a slight conflict has shown this fear to have been groundless, and has inspired the colonists with confidence, by demonstrating the comparative weakness of their neighbors. Lastly, it was

said, that the British settlements would regard with no favorable eye a colony, subject to a foreign power, rising up near them; but so far from any such jealousy, the government at Sierre Leone, and the British cruisers on the coast, have on several occasions rendered essential aids to the American emigrants. Thus have been confuted, in the progress of events, all the main objections originally advanced against the plan and purposes of the society.

At the close of a full examination of this subject, in our Forty Second Number, we suggested the expediency of establishing a school, or schools, in this country, under the auspices of the Colonisation Society, for the purpose of instructing the children of free people of color, and giving them an education suited to their future condition as colonists in Africa. We are happy to find, that a scheme of this sort is now in contemplation, and to have it in our power here to insert a letter, recently written by General Harper to the Rev. Dr Woods, of Andover, in which the designs of the society in regard to the school are fully developed. The document is published with the approbation of both these gentlemen, and is the more valuable, as exhibiting from the highest authority the present state of the colony.

'I had an interview with Dr Ayres soon after his visit to the eastern states and New York,' says General Harper to Dr Woods, 'in which he informed me of various conversations which he had there, on the subject of a plan for the education of young people of color, as a preparation for their emigration to some other country, where they may enjoy the real advantages of freedom and civilisation. He mentioned you as one of the persons, who have thought much on this subject, and were engaged or disposed to engage actively in prosecuting so benevolent and patriotic an enterprise. As both he and I long had it much at heart, and are now employed in devising means for its accomplishment, he was of opinion that some good might be derived from a full communication of our views to you, which he strongly urged me to make; assuring me that it would be well received, and might lay the foundation for a concert of measures and union of means, from which the most beneficial results might be anticipated. In this hope I have taken the liberty to address you.

'When the African colonisation scheme was first set on foot in this part of the United States, it immediately occured to all who engaged in it, that nothing more could be effected by individual exertion, than to open and pave the way; to shew what might be accomplished, and in what course success was to be sought. The rest, they were sensible, must be done by the general or state governments, or by both united, under the influence and with the sanction of an enlightened public opinion.

'To this object all their efforts have been directed. It embraces two operations. The first is to prove by actual experiment, that a colony of civilised blacks may be established, on the southern coast of Africa; that a suitable and healthy situation may be found, and procured by purchase from the natives; that the good will and good neighborhood of the latter may be secured, and the colony thus placed in safety; that by proper precautions all danger to the colonists from the climate may be avoided; that colonists in abundance, and of a proper character and description, may be found; that they may be transported to the colony at a moderate expense, which will be greatly diminished, when a regular and extensive commerce between this country and that shall be established; that the materials of such a commerce already exist, to a very considerable extent, as well as a favorable disposition for it in the minds of the natives; that both must increase with the increase of the colony, and the consequent discouragement and decrease of the slave trade in that quarter; and that the colony may very soon be placed in a condition to govern and protect itself, and not only to provide abundantly for its own wants by the products of its agricultural industry, but to have a large surplus for commerce with this country and Europe, which will furnish the means of a very gainful trade with the natives.

'All this we consider as satisfactorily proved, by the experiment thus far made. The colony indeed is small but it is healthy, composed of good materials and firmly established. The attacks made on it by the natives, in greater force and with more extensive combinations than are ever again to be apprehended, were repelled when it was much weaker and less provided for defence than at present. The conduct of the natives has ever since been friendly and kind. They

manifest great readiness to trade, a great desire to procure instruction for their children, and the utmost willingness to exchange their labor for those objects of consumption and enjoyment, which they were heretofore accustomed to obtain by the sale of each other. The colonists, when the last accounts were transmitted, had not yet raised a crop, and consequently did not actually support themselves; but many of them had one in the ground, and almost all had received their allotments of land, which they were preparing for cultivation. Their subsistence, by their own means, may therefore be considered as secured.

'On the essential article of government the last accounts are highly satisfactory. The government was in the hands of men of color, elected by the colonists, and went on well. The number of applicants who wish to be sent to the colony is much greater, than can be received. They consist almost wholly of persons brought up and accustomed to live in the country, by agricultural employments, or those handicraft arts which are indispensable to an agricultural people. The population of the cities is not considered as suitable for such a settlement as ours. Hence the emigration to Hayti does not interfere with our plan; but rather works together with us, for the attainment of the same great end.

'We therefore regard the first part of our object, which relates to the practicability of colonising the blacks on the southwest coast of Africa, as having been attained. The second is to shew how it may be carried to such an extent, as to relieve the United States gradually and imperceptibly, but effectually, from the great and growing evil of the black population, and thus to leave room and time for the white population to fill up the void, by its natural increase.

'We are very sensible that colonies of blacks planted on the coast of Africa, in however limited an extent, cannot fail to be very useful. They place the colonists themselves in a far better situation, where they may be really and effectively free, and may enjoy all the advantages which naturally result from freedom and civilisation united. They rid this country, as far as they go, of a useless population, to say the least of it; which is generally vicious and corrupt, or exposed to the almost inevitable danger of being rendered so, by their own degradation, and their contaminating communications with a

degraded race. So far as these colonies succeed, they tend to lay a foundation for African civilisation, and for the diffusion of knowledge and true religion, in that benighted region. Consequently they are highly useful and deserving of encouragement, however limited may be their extent. But the great utility of this enterprise, to this country, to the African race here, and to Africa itself, depends upon its receiving such an extension, as gradually to embrace the whole black population of the United States. This we know requires indispensably the consent of those, who have an interest in the services and labor of this description of persons. This interest is a right of property, as well secured by the laws and as sacred in the eye of the law, as any other right whatever. It cannot and must not be touched. But we believe that by a proper course of measures, the consent of those who hold this property may be obtained; and to this object all our measures are mainly directed.

'To accomplish that object, and to effect the entire removal of the black and colored population, we believe that we must turn our attention to the rising generation. We must embrace them in a great scheme of education, which may gradually be made to absorb them all, with the consent of their parents where free and their owners when slaves, and may fit them all for transplantation, at a proper age. To set an example of this scheme of education, to shew how it may be effectually conducted, is the next great object we have in view. It is in this most important object that we wish and hope to obtain your assistance, and that of the enlightened and philanthropic body with which you are connected.

'For this purpose our plan is to establish what we call a seminary farm, which may serve as a pattern for similar institutions throughout the Union, and especially in those states where slavery exists; which may show by experience and example what can be done, and how it ought to be done. We intend to purchase or rent a good farm, in a healthy and convenient situation, with proper buildings for the accommodation of about one hundred children of color, of both sexes. This farm we prefer having in Maryland; because the children as they grow up can be better governed, in a state where slavery exists. Dr Ayres, whom you know, and who from his energy, intelligence, and experience, is highly qual-

ified for the task, is intended to have the superintendence of the establishment. When it is ready, young persons of color, between ten and fourteen years of age, will be received and educated.

'It is believed and expected that as soon as the seminary can be opened, a considerable number of free colored children will be placed there by their parents; and that some, perhaps many, who are slaves will be sent by their owners. The conditions on which both descriptions will be received are, that they shall be so employed as to maintain themselves while acquiring the necessary improvements, till they arrive at a suitable age; and shall be then sent to the colony at Liberia, and settled there with the usual allotment of land.

'The chief employment of the males while at the seminary will be agriculture. They will cultivate the farm or assist in its cultivation, and the produce will be appropriated to the support of the establishment. There will also be workshops established, for all the common handicraft trades, such as smiths, shoemakers, carpenters, and others of the first necessity, where all such boys as are found to possess a particular aptitude for any of these trades, will be employed in them under suitable instructers, and the proceeds of their labor will be applied in the same manner. The girls will be kept in separate apartments, and employed under suitable female instructers, in all sorts of domestic industry, household occupations, household manufactures, and the various employments suitable for females of the laboring class. Such parts of the product of their industry, as may not be wanted for the use of the establishment will be sold, and the proceeds applied in defraying its expenses.

'There will be a school, in which at proper hours all the young persons will be taught reading, writing, and the rudiments of arithmetic. Means will be devised for carrying farther those boys who may display extraordinary capacity. All will be required to attend religious worship, and receive religious instruction, at proper times; for which purpose a clergyman and a place of worship will be provided.

'The most efficient means will be adopted and enforced, for preventing all improper communications among these young people themselves, or with others beyond the pale of the seminary. To render these means effectual is one great

object of establishing the seminary in a state where slavery exists, and where alone the proper authority for this and other indispensable purposes could be exercised. The children, when slaves, will be given to the institution as slaves, to be liberated when at a proper age for colonisation. When the children of free parents they will be bound till they arrive at a proper age. On these conditions alone will any of either class be received.

'As an encouragement to good conduct and industry, an account will be opened with each child when placed in the seminary; in which it will be charged with its necessary expenses, including its board, clothing, and proportion of general expenses, such as rent, fuel, taxes, and superintendence, and credited with all its labor at fixed rates. The surplus will be invested in a savings bank, to accumulate for the benefit of the child, and to form a fund for its outfit on removing at a proper age to the colony. This is regarded by us as a very important object. Its details will be troublesome and laborious, but it will be attended to with the utmost strictness.

'Such is the outline of the plan. The funds for purchasing a suitable farm, and commencing the operation were at one time believed to have been provided. A farm every way suited to the object had been selected, and a treaty commenced for its purchase with fair prospects of success. But a disappointment in relation to the funds has taken place, which compels us to suspend all our proceedings till new resources can be found. I apprehend no other difficulty. Young persons of color may, I am very fully persuaded, be very soon found, in any desirable numbers, to fill up the seminary, and furnish a constant supply. Many slave owners in this and other states will, I am assured, make contributions in young slaves, as soon as the establishment is ready for their reception. A still greater number of free blacks will be eager to send their children. It is intended at first to receive those of an unexceptionable character, without attention to age, in order to get the establishment into operation. When that object is accomplished, the regulation on the subject of age will be adhered to strictly.

'No doubt is entertained, that in a short time this establishment may be made not only to sustain itself, but to leave a surplus for its enlargement and for other objects. It is

hoped and believed, that when brought into successful operation, it will serve as a pattern for numerous similar institutions, throughout the slave holding states, and in other suitable situations; to be established and sustained by the government, and supplied with pupils by purchases of young slaves, with the public funds. Thus, while the present and next succeeding generations are left to disappear gradually, in the ordinary course of nature, their progeny may be imperceptibly withdrawn from their degraded situation, fitted for a higher condition, and transplanted without a shock or convulsion, or too sudden a change in the state of society and of labor, to a soil and climate suited to their nature; where they may find a country, and in becoming citizens and freemen, may confer incalculable benefits on the whole African race, and contribute as much, by a mutually beneficial commerce, to our wealth, strength, and prosperity, as they now do to that poverty and weakness, which are conspicuous in the parts of the United States which they inhabit.

'Such, sir, is the outline of the undertaking, in which I wish to interest you and your enlightened and philanthropic friends in the east. Should you or they deem it worthy of further inquiry, I shall at all times be happy to answer any questions which you may propose, and to give you such information or hints as may be in my power.'

These general features of the scheme are in the main judicious and well devised. We have only to add, that we hope provision will be made for receiving into the school and instructing any recaptured Africans, that may chance to be rescued in this country; as in the case, for instance, which occurred at Baltimore eighteen months ago. It is very important, also, to provide for receiving native children from Africa. It is a common thing for the chiefs and head men to desire their children to be instructed in reading, writing, and the arts of civilised life; several have been sent to England for this purpose, and among the native chiefs now on the coast the number is not small of those, who can speak and write the English language fluently. In many cases the parents of the children would be able to pay the expense of their education. The whole concerns might be negotiated through the agent at the colony, with whom the natives would be acquainted, and in whom they would confide. The ad-

vantages of such instruction to the youth, who are afterwards to be the leading men of their tribes, are incalculable. And it is to be hoped, that it may soon be in the power of the Society to establish a similar school in the colony itself, where the natives may be accommodated at less expense. And we would again intimate, what we suggested on a former occasion, that auxiliary societies, in addition to subscribing to a general fund, should be encouraged to select and send to the African school, proposed to be established in this country, any pupil whom they may choose, and become responsible for the expense of such individual while in the school. In this way, children of the best capacity and character will be likely to be brought together, a vastly greater number of persons will be interested in the success of the school, and the society itself be relieved from a large portion of the burden under which it must labor, if compelled to collect funds for the entire support of the establishment.

Some of our readers may perhaps be curious to know the fate of the eleven Africans, the particulars of whose rescue were described by us on a former occasion. They sailed from Baltimore in the packet ship Fidelity, and all arrived safely at Liberia, where they were given in charge to Dr Ayres, at that time agent of the colony. This gentleman returned with them to their own home, as related in the following extract from a letter written by him.

'It was ascertained that they had been taken in war near our settlement, and sold to King Shaker, of Gallenos, and by him sold to the captain of a Spanish vessel. This vessel was plundered by captain Chase, of Baltimore, and boldly brought into that port, trusting to his influence with certain persons of high standing, to elude the authority of our laws. But by the interference of E. Tyson, deceased, there was an investigation, and the slaves were detained until I arrived in that city, and took charge of them as Agent of the Colonisation Society. Their case could not be decided before I sailed for Africa, but they were shortly after set at liberty, and sent in the African packet to our colony, and delivered to my care. As they all preferred returning to their parents and families to remaining in our colony, they were permitted to do so.

'When I went on board the vessel, though much emaciated and reduced almost to a skeleton, they immediately recognised me to be the person who had the year before rescued them from slavery. I had scarcely stepped my foot on deck before they were all round

me, expressing by words and gestures the most heartfelt satisfaction for the favors they had received.

'When the vessel was getting under way, yielding to early impressions, by which they had been taught to consider a white face and treachery as inseparable, they concluded they were betrayed, and were again to return to America. They sprang below to get their bags, and were about to plunge into the ocean, and swim to the shore with their bundles. On being assured I was about to restore them to their native towns, some of which were nearly in sight, their confidence was restored, and they contentedly went to work. When arrived at Sugary, our crew being sickly, I sent on shore for Charles Gomez, a native, who had been educated in England, to come off with his boat, and take the captives on shore. He came off, accompanied by several of the natives; and here a most interesting interview took place between these long separated acquaintances.

'A circumstance attending this affair is truly characteristic of the African character. One of these captives had been taken by this Gomez two years before, in a war between him and the father of the captives, and afterwards sold to King Shaker. This captive was at first very shy of Gomez, and refused to go on shore with him, fearing the war was not yet over, and that he should be again sold to a slave vessel then lying in sight; but I assured him that he was in no danger; that I knew the war to be over; that Gomez was a particular friend of mine, and traded with me; and in the presence of both assured them, that should Gomez attempt to do him injustice, I would not fail to chastise him. These assurances entirely overcame his doubts, and when told that his father and the fathers of two others of them were then standing on the beach, not knowing that it was their sons, whom they had long supposed were doomed to perpetual slavery, were so shortly to be restored to their fond embraces, they all stept into the boat, and in a few minutes astonished their delighted parents on the shore. I was much pleased to see that Gomez appeared truly to enter into the feelings of those poor creatures at this time, although he had been the cause of all their sufferings; but that it was considered by them as the fortune of war, and created no hostile feelings of revenge.'

Apprehensions have been expressed, that the colonists would be in danger from the Ashantee wars; but a very slender stock of knowledge of African geography would dissipate all such fears. The distance between the colony and the Ashantee country is several hundred miles, and the intermediate regions are peopled by numerous distinct tribes, who form an impassable barrier to any hostile incursion, even ad-

mitting what is wholly out of the question, that there could be any possible motive for such an attempt.

In regard to emigration to Hayti, as we have hinted above, the plan approves itself to us as one, which ought to be promoted, for although our predilection is in favor of the colonisation scheme, yet we do not perceive that one interferes in the remotest degree with the other. The great object of the philanthropist, and of the patriot, and we presume of every person engaged in either of these enterprises, is to free the United States of its colored inhabitants, by providing an asylum for them in some other country, where they may enjoy the blessings of liberty, and sustain an equality of rank and condition. This we say is the primary object, and it will not be denied, that this object is as completely gained, by sending these people to the healthful climate of Hayti, under an organised and liberal government, as by transporting them to Africa. It is true, the noble and humane purpose of kindling the torch of civilisation in Africa is not advanced by the Hayti project, yet, after all, as far as we in the United States are concerned, this is but a secondary consideration, and we may well be satisfied with relieving ourselves from the evil of the colored population, and if possible, wiping the disgrace of slavery from the charter of our country's freedom, without deeming it a condition absolutely requisite, that we should take on ourselves the task of enlightening and civilising a continent long buried in darkness. These things may safely be entrusted in the hands of Providence, without any reproaches on our conscience for neglect of duty ; and although it would be a cause of joy to see the sons of Africa returned to the home of their fathers, establishing good governments among themselves, and communicating the influence of their example to their degraded brethren, yet as this event can only be accomplished by slow degrees and in a limited extent, it would seem a dictate of wisdom and humanity to open any other channel, through which a portion of the colored population may in the meantime pass to a country, which promises them equality of rights and privileges, a fertile soil, protection of property, and the consequent advantages of social life.

From the best accounts, which can be obtained, Hayti is such a country. Its government is apparently founded on principles as liberal, as the present condition of the people

will bear, and for the last few years it has been administered with energy. The nation has flourished, agriculture and commerce advanced, and the whole fabric, both political and social, has been gaining consolidation and strength. The trial by jury, that great palladium of human rights in a free government, has not been introduced ; the mass of the old inhabitants were too ignorant to act in the capacity of jurors, and it was more safe to leave the cause of justice in abler although in fewer hands. But the numerous schools now instituted, and the universal diffusion of education, have already produced a change in this respect, and the time may be anticipated as not far distant, when the trial by jury, a more general extension of the electoral franchise, and some other principles essential to a strictly popular government, will be engrafted into the constitution of Hayti.

Nothing can be more fair and honorable, or indicate a better spirit, than the part which President Boyer has acted, respecting the emigration of our people of color to that country. He invited them first by a proclamation, offered them lands, citizenship, and all the privileges of native Haytians. Out of his own private purse he paid the expenses of numbers, who accepted this offer. Individuals, who have of their own accord gone out to seek employment, he has aided, and if they were industrious and sustained good characters, he has continued to them his patronage, providing them with lands to cultivate, or other means of occupation. Whatever may be the motives of interest with which he is influenced, in wishing to increase the population of the island, and extend the growth of its agriculture and commerce, all his communications and all his actions prove that he has a higher motive ; that he feels deeply for the condition of the colored people in this country, and that he is ready to make any reasonable sacrifice for their relief. His proclamation above alluded to, his letters to Mr Dewey and Mr Collins, his instructions to citizen Granville, published at New York in the pamphlet of Correspondence now before us, and his private communications to individuals in the United States, some of which we have seen, bear the amplest testimony to this fact. In short, we doubt not that perfect confidence may be placed in his professions and designs, and that his promises will be realised, unless some unforeseen changes in the government shall take from him the

power and the means, and transfer the sceptre into other less beneficent hands.

The following particulars contained in President Boyer's instructions to Mr Granville, his agent in this country, will show on what terms he is willing to receive emigrants, and what they are to expect in Hayti.

'The advantages which attend emigration are, 1st, that they shall enjoy in Hayti, all civil and political rights, (Article 44th of the Constitution;) 2dly, they shall have entire liberty of conscience, in their religious practices; 3dly, they shall obtain concession of land in fee simple, when they shall have made settlements on the said lands; (copy of my circular to the governors of the provinces;) the whole, provided they engage to be faithful to the laws of the Republic, whose children and citizens they will become, and provided they undertake nothing contrary to its tranquillity and prosperity.

'To regulate better the interests of the emigrants, it will be proper to let them know in detail, what the government of the Republic is disposed to do, to assure their future well being, and that of their children, on the sole condition of their being good and industrious citizens; you are authorised in concert with the agents of the different societies, and before civil authority, to make arrangements with heads of families, or other emigrants who can unite twelve people able to work, and also to stipulate that the government will give them a portion of land sufficient to employ twelve persons, and on which may be raised coffee, cotton, maize, peas, and other vegetables and provisions, and after they have well improved the said quantity of land, which will not be less than 36 acres in extent, or 12 carreaux, (the carreau being 100 paces square, and the pace three feet and a half, French,) government will give a perpetual title to the said land to these twelve people, their heirs and assigns.

'Those of the emigrants who prefer applying themselves individually to the culture of the earth, either by renting lands already improved, which they will till, or by working in the field, to share the produce with the proprietor, must also engage themselves, by a legal act, that on arriving at Hayti, they will make the above mentioned arrangements, and this they must do before the judges of the peace, so that on their arrival here, they will be obliged to apply themselves to agriculture, and not be liable to become vagrants.

'To all those, and those only, who will engage themselves, as is here prescribed, you are authorised, always acting in concert with the different societies, to contract, that the expense of their passage and maintenance during the voyage, shall be paid on their arrival

at Hayti, by the government, which will give them also the means of subsistence during four months, after their landing and settlement on the ground they are to cultivate, which will be long enough for them to procure by their labor and settlement, the means of supporting themselves.

'Nothing will be required of them for what may have been paid for their passage and subsistence, which is a donation made to them by the Republic.

'As for those who wish to come to Hayti, to engage in commercial or mechanical pursuits, you are authorised to assure them, that the expense of their passage, and maintenance during the voyage, shall be paid in Hayti, provided they bind themselves before civil authority in the United States, to return to the government of the Republic, six months after their arrival here, the advance which shall be made to them. The same privilege of advance, on condition of reimbursement, shall be granted to those who come to buy, rent, or till in shares, lands cultivated, or to be cultivated, or who come to engage themselves as servants, workmen, or laborers, the law granting a right to every Haytian, to exercise his industry as he pleases, provided he does nothing contrary to the good order of society.'

The President moreover declares, in his letter to Mr Dewey, that

'All those, who will come, shall be received, no matter what may be their number, provided they submit themselves to the laws of the state, which are essentially liberal and protecting, and to the rules of the Police which tend to repress vagrancy, to maintain good order, and to confirm the tranquillity of all. There is no price to stipulate for, as respects the land; since the government will give it gratis, in fee simple, to those who will cultivate it. The emigrants will be distributed in the most advantageous manner possible, and those who may desire it, shall be placed in the neighborhood of each other.

'They shall not be meddled with in their domestic habits, nor in their religious belief, provided they do not seek to make proselytes, or trouble those who profess another faith than their own.'

Other facts have also come to our notice, which bear equal testimony to the good intentions of President Boyer in offering a residence and protection in Hayti to the colored people of this country. These facts we now proceed to state. It is well known, that many of the inhabitants of Illinois and Indiana have been desirous of introducing slavery into those states, owing probably to the fact, that they are emigrants

from slave holding states, and accustomed to that kind of labor in cultivating their plantations. It may also be premised, that as these states border on slave states at the south and west, the temptation for kidnapping is greatly enhanced, by the facility with which the victims of this inhuman crime may be hurried into the slave states and sold. When these things are considered, it is hardly to be supposed, that the free people of color have found Illinois and Indiana very secure or comfortable places of abode. In short, the practices of unprincipled men had for a time rendered their condition little more enviable than actual servitude, by molesting them in the enjoyment of their rights and property, and annoying them with perpetual alarms at the apprehension of being robbed of their liberty. A daring and wicked attempt was also made, in many instances, to evade the laws of the states, and hold slaves by a fictitious contract. A resident of Kentucky would sell his slave to an inhabitant of Illinois, and give him over to his new master by an indenture, in which the slave bound himself to service for *ninetynine years*, and confirmed the agreement by a mark made with his own hand at the bottom of the instrument. Thus transferred, the slave was taken into a free state, and was said to be bound to service for a term of years. This trick, the shallowness of which could only be exceeded by its villany, was soon detected, and there were not wanting friends of humanity and justice to see the laws properly executed.

The consequence was, that several persons of color, who had formerly been slaves, were set at liberty. Their original masters had sold them for a stipulated compensation, and their purchasers could not hold them as slaves in a free state. The persons, who had thus defrauded themselves by their own infamy, were extremely exasperated at the result. They entered into a sort of conspiracy against all the blacks, who had been freed, and seemed resolved in defiance of law to seize by force, what they could not retain by injustice. A particular case will illustrate the subject. A man of color came to Mr Flower, of Albion, Illinois, and asked for employment, declaring himself to be free. It was soon found, that he was held by an indenture in Indiana, but Mr Flower, being convinced of its illegal and fraudulent character, retained him in his service. A few days afterwards, a party

came upon the man, and attempted to take him off by force; but this attempt was frustrated, and a temporary reconciliation was effected, by Mr Flower and Mr Ronalds giving bail in the sum of one thousand dollars for his appearance at court. This transaction opened to new plots of villany. The amount of bail was much greater than the man was worth as a slave. A scheme was laid to seize him by artifice before the session of the court, and thus cause the bond to be forfeited, and at the same time send the negro down the Mississippi and sell him into servitude. Armed men lurked for several days around the premises on which he resided, but as their design was early discovered, he was kept in safety till brought before the court, where his indenture was proved to be illegal, and himself declared free. If we have been rightly informed, this is but one case out of many of a similar kind, which have happened in the states north of the Ohio.

The interest, which Mr Flower had taken in behalf of the free people of color, brought many of them to his lands as laborers. These persons had heard of the Colonisation Society, and of emigration to Hayti; they expressed a wish to learn further particulars, and a readiness to remove to any country, where they might be relieved from the apprehensions, by which in their present situation their existence was harassed. About this time Mr Flower saw President Boyer's Address, and resolved to send out an agent to Hayti on his own responsibility, and at his own expense, to inquire on what terms he would receive colored emigrants from the United States. The easy intercourse between the western states and the West Indies, through the Mississippi and the Gulf of Mexico, suggested this channel as affording much the greatest advantages for emigration from these states. The agent, Mr Robert Graham, arrived at Port au Prince on the 11th of July, 1822, where he met with a kind reception from the Secretary Inginac, and from President Boyer. He received little encouragement, however, as to the main object of his inquiry, which was whether the Haytian government would pay the expenses of transporting such persons as should emigrate. The President expressed his utmost willingness to receive all that might come, and to provide them with lands to cultivate, and contribute to their subsistence till they should be able to support themselves; but he declined

holding out any temptation by offering to pay their passage. An agent he said had already come over from the United States, and obtained considerable funds for transporting free people of color to the island, but he had absconded with the money in his pocket. Emigrants had also arrived at the island, whose expenses had been paid by the government, but who proved to be vagabonds, and pestilent members of society. After these experiments, the President deemed it necessary to temper his benevolence with caution, and not to hold out a lure, which would draw around him only the idle and the worthless. He generously paid the agent's expenses from Illinois to Hayti, which had already been advanced by Mr Flower, without expecting a remuneration, and he agreed to give lands, protection, and all the privileges of citizenship to any persons of color, who might be disposed to emigrate from Illinois. The President also offered to receive fifty persons, and pay their passage out of his private funds, if they would consent to work his own lands on shares; and the Secretary made the same proposal.

On Mr Graham's return, twentyfour colored people resolved to try their fortunes in Hayti, and being assisted by Mr Flower with such necessary means, as they did not themselves possess, they embarked for New Orleans under the care of Mr Graham in April, 1823. Here they left their guide and took passage for Port au Prince, where they arrived safely, after suffering much from exposure during the voyage, as they were deck passengers. They have written to their friends in Illinois, stating that they reside on the President's lands at Logan, about twenty miles from Port au Prince, that their prospects are good, and that they hope soon to be able to refund the money, which Mr Flower had advanced on their account.

This narrative speaks not less favorably, than President Boyer's instructions to his agent, of the wisdom, the good policy, and fair intention of the Haytian government, in regard to the encouragement held out to emigrants to settle in that island Mr Graham was much pleased with the aspect of society, and the apparent strength and equitable administration of the government. Great attention is paid to education; schools and the higher seminaries of learning are rapidly multiplying;

and in the city it is a rare thing to find a person under thirty years of age, who cannot read and write. The legislature of Hayti consists of a senate and house of representatives, the former composed of twentyone members, and the latter of sixtyfive. The President is elected for life, but can be deprived of his office by the senate for maladministration. Mr Graham was present at the opening of a congress, and the deliberations of this body were conducted with dignity, method, and order. The republic of Hayti maintains a standing army of about forty thousand men, but on an emergency can bring one hundred thousand into the field.

ART. IX.—*Escalala, an American Tale.* By SAMUEL B. BEACH. 12mo. pp. 109. Utica. W. Williams. 1824.

IF an opinion may be formed by the experiments already tried, the character of the North American Indian affords but a barren theme for poetry. *Atala* is an Indian story, it is true, yet the fancy of the poet has made the grace and beauty of his picture consist more in adscititious ornaments, than in any strongly drawn lines peculiar to Indian life and manners. Campbell, in his *Gertrude of Wyoming*, has attempted the portraiture of an Indian, in the character of Outalissi the Oneyda warrior,

> 'Train'd from his tree rock'd cradle to his bier,
> The fierce extremes of good and ill to brook
> Impassive—fearing but the shame of fear—
> A stoic of the woods—a man without a tear.'

These characteristics are true to nature, but viewed in all his conduct, Outalissi is only half an Indian, partaking alike of the habitudes and feelings of the white and the red man. It cannot be denied, however, that the poet has succeeded better than the painter, who has thought to illustrate his conceptions by embodying them in a visible form. In one of Westall's designs for a beautiful edition of Campbell's poems, the Oneyda warrior is represented with curled hair, African features, and a white beard, three most extraordinary appendages to the head of a North American Indian.

Our own countrymen have begun recently to invoke the Muses in behalf of these ancient sons of the forest. A poem has appeared, the express object of which is to delineate *Traits of the Aborigines of America.* So unproductive was the theme, that the author has wandered in other climes and other ages to find materials for the work, and the Greeks and Romans, the warriors and sages of antiquity, figure nearly as much in the drama, as the Indians themselves. There is good poetry in this performance, but that is not the best which draws traits of the Indians. The author of *Ontwa* has been more successful in describing Indian character and scenery, than any writer whom we have read. As a descriptive poem this has much merit, but it descends little into the deep feelings of the human heart, and the strong movements of the passions. It tells of the wars between the Iroquois and the Eries, by which the latter race was exterminated; and the warlike propensities of the natives, their modes of going to battle, making peace, their treatment of captives, and other peculiarities relating to this subject, are well delineated. Many things the author describes from his own observation, and he applies to Ontwa the language, which Chateaubriand had before applied to Atala, 'that it was written in the desert, and under the huts of the savages.' This familiarity with the local condition of the Indians gave him advantages, which he has well employed in his descriptions of savage life; but after all, there is so little of the romantic and of the truly poetical in the native Indian character, that we doubt whether a poem of high order can ever be woven out of the materials it affords. The Indian has a lofty and commanding spirit, but its deeply marked traits are few, stern, and uniform, never running into those delicate and innumerable shades, which are spread over the surface of civilised society, giving the fullest scope to poetic invention, and opening a store of incidents inexhaustible, and obedient to the call of fancy. When you have told of generosity, contempt of danger, patience under suffering, revenge, and cruelty, you have gone through with the catalogue of the Indian's virtues and vices, and touched all the chords that move his feelings or affections. To analyse and combine these into a poem of high interest, without extensive aid from other sources than the real Indian character, is no easy task, and the

day is not to be expected, when the exploits of the Iroquois and Mohawks, or the rough features of their social habits, shall be faithfully committed to the numbers of ever enduring song. The minstrel's harp would recoil at its own notes in hazarding such a strain, and the Muses would deny inspiration to a votary bent on so desperate an enterprise.

Seemingly aware of these difficulties, the author of *Escalala* has employed the agency of civilised men, in filling up some of the most important parts of his poem. The story is simple and soon told. In the ninth century the Norwegian chief, Naddohr, found his way over the seas to Greenland, and colonised that country. Tradition says, that this Naddohr was shipwrecked and lost, during a voyage in which he was transporting colonists to his newly acquired territory. Mr Beach supposes that this courageous chieftain did not suffer so hard a fate, but that he landed on the coast of America, and penetrated with his followers to the junction of the Mississippi and Ohio, where they formed a settlement. Three centuries afterwards a great nation had arisen and extended over that region, retaining the manners, superstitions, and ceremonies of its Scandinavian ancestors. We have now arrived at the place and time in which the events of the poem occur. The Scanians, for so the descendants of Naddohr's colony are called, prepare to celebrate the annual religious rites of Odin. Gondibert, king of the Scanians, his nobles, and his son Ruric, engage in a grand hunting excursion as preparatory to the festival. In the midst of the chase, Ruric wanders from the party, comes upon Escalala by surprise, while fishing with her maidens in a secluded spot, is smitten with her beauty, seizes and carries her off. Escalala is the daughter of Warredondo, a most powerful Indian chief, who immediately rallies his warriors to avenge this insult on his daughter and his tribe. Battles and carnage follow; capricious victory for some time leaves the contest doubtful; but at length the united force of the neighboring tribes comes down on the Scanians, and utterly exterminates the race. Escalala, the heroine, acts an important part through the whole conflict, and is a principal instrument in conducting the successful warfare of her father's friends. The poet occasionally breaks in upon the thread of his story with the songs of the bards, who dwelt in the halls of Gondibert, as of yore in those of the Scandinavian kings.

One or two extracts will exhibit favorable specimens of the author's manner, and of the prevailing spirit of his poetry. The first is a description of natural scenery.

> It was a lovely night in June;
> And from the sky the peerless moon
> Looked forth at times, full-orbed and bright,
> In all her glow of liquid light;
> At times—half shaded by the shroud
> Of some translucent, fleecy cloud—
> Her chastened ray shone dimly through
> Its watery veil; with softened hue,
> That showed the landscape to the eye
> Less plainly, but of lovelier dye;
> As youthful pleasures—when the screen
> Of years hath cast its shades between
> Our hearts and them—in memory's beam
> But half revealed; more lovely seem,
> Than when their full fruition twined
> Its tendrils round the yielding mind.
> Far up the arctic cope of heaven,
> Now dimly seen, now wildly gleaming,
> In huge, fantastic masses driven,
> The northern lights were streaming;
> And fancy, in their changeful hue
> Of ever varying shades, might view
> Strange shapes—of mountain, wood, and glen,
> And fiery steeds, and mail clad men,
> And blood stained banners—floating free
> In bright but awful pageantry. p. 70, 71.

The following lines describe the effect, which the news of Escalala's seizure by Ruric had on the young chief Teondetha, to whom she was betrothed, and whose nuptials were to be celebrated the next day.

> Such was the pitiless grief, whose smart
> Fevered the brain and wrung the heart
> Of the young Chief, when Reta came,
> And told her tale of wrong and shame.
> He groaned not, wept not, spoke no word
> Of pain or pity, when he heard
> Those withering sounds; his very breath
> Seemed frozen—as the bolt of death
> Had struck him suddenly, and left him there,
> A monument of hopeless, cold despair.

But when the first keen agony
Of grief was past, and nature strove,
Assisted by all powerful love,
To rouse him from his lethargy;
He seemed, as one new-waked would seem
Out of long trance, or frightful dream;
With all the shuddering consciousness
That some appalling grief was nigh,
Some deep but undefined distress,
Which came—he knew not how, nor why.
The cool soft dews of evening shed
Their moisture on his burning head,
As if to quench the raging pain
That glowed and maddened in his brain;
The night wind, as it swept the lea,
Lingered, as if from sympathy,
To lend his bosom, ere it passed,
The balm of its refreshing blast;
In vain; he neither felt the dew,
Nor heeded that the night wind blew. p. 52.

The author makes free use of the poetical license. His Scandinavians, who have shot up into a wide spreading nation of six hundred thousand persons from the slender stock of Naddohr's colony, retain for three centuries not only all the customs of their ancestors, but they build cities and palaces, fabricate arms, put on coats of mail, go to battle by the sound of the bugle, ride horses richly caparisoned, and do many other things, which we should hardly expect to be done by a race of people separated three centuries from the land of its ancestors, and surrounded by savages on the banks of the Mississippi. A novel kind of warfare is also introduced. Escalala comes suddenly into battle,

On a mammoth's giant might,
Rushing through the failing fight.

This mammoth makes prodigious havoc, and we can show no good reason why the poet has not a right to enlist him into the service of his heroine, although we can bring no precedent for such an adventure. For all that tradition or history says to the contrary, the mammoth may once have been as potent in the armies of the west, as the elephant in those of the east.

Art. X.—CRITICAL NOTICES.

1.—*Philadelphia in the Year* 1824; *or a Brief Account of the various Institutions and Public Objects in this Metropolis; being a complete Guide to Strangers, and a useful Compendium for the Inhabitants. To which is prefixed an Historical and Statistical Account of the City; with a Plan of the City, View of the Water Works, and other Engravings.* pp. 238. Carey & Lea. Philadelphia. 1824.

It was a remark of one of the wisest and best men, whom the world has seen, that 'there exists in the economy and course of nature an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity.' By the writer of a brief history of Philadelphia, this remark of Washington is quoted, as being fully illustrated in the rise and growth of that city. And, indeed, there are many associations connected with the origin of Philadelphia, its progress and history, equally grateful to the philanthropist and the patriotic citizen of the United States. Its foundation was laid in peace and concord. Our ancestors in general, however gently we may touch their motives and temper, merit little for their wisdom and discretion, in their conduct with the Indians. They were too prone to look on the wild man as an inferior being, and to set themselves up as lords over his rights and property, without remembering that they were intruders on his soil, or condescending to meet him even in the land of his fathers on equal and amicable terms. To the reproach of many of our progenitors, whose virtues in other respects speak volumes in their praise, the sword was too often made by them the charter of their rights, and the instrument of gaining ascendancy over the natives.

But the memorable interview of William Penn with the Indians, on the bank of the Delaware, exhibited a different scene; the even scales of justice, and the mild persuasion of christian love, were the powerful engines with which he swayed the barbarian mind, and taught the savage to confide in the sincerity of the white man; and the first page in the annals of Philadelphia is one of the brightest in the history of mankind, recording an event not more to the credit of the wise and benevolent legislator, through whose agency it happened, than honorable to humanity itself. It was here also, that religious toleration was made the basis of a government at its beginning, and religious freedom established at a time, when the yoke of bigotry and superstition was bowing to the dust the necks of almost

all the inhabitants of civilised Europe. In later times it was here, that the first Congress of the colonies assembled, and the articles of confederation and union were agreed upon; and it was here that American Independence was first declared. This city was moreover the residence of Franklin, Rittenhouse, Rush, and of other men, who contributed to achieve our nation's liberties, and who deserve a nation's gratitude.

'At the beginning of the year 1681,' says the writer of the brief history above cited, 'the tract of ground upon which Philadelphia now stands was covered with forests; and wild men and savage beasts had a pretty equal title to it. Tradition has preserved the anecdote, that in the year 1678, a ship called the Shields of Stockton, the first that had ever ventured to sail so high up the river, approached so close to the shore in tacking as to run her bowsprit among the trees which then lined the bank, and the passengers on board, who were bound for Burlington, remarked upon it as an advantageous site for a town. Little could they foresee the city that was to be erected upon that spot, or the contrast between its growth and that of the still humble village for which they were destined.

'The love of religious liberty led to the foundation of Philadelphia. William Penn had fixed his thoughts upon America as a land of refuge and freedom, many years previous to his acquisition of Pennsylvania. It was not, however, until August 1682, that this venerable lawgiver, with his worthy associates, took their final leave of England. They were accompanied with favorable winds, and on the twentyfourth of October the proprietary landed at Newcastle, amid the acclamations of the Dutch and Swedish settlers. From this place he proceeded to Upland, (now called Chester,) and shortly afterwards concluded that famous treaty with the natives, which they promised should endure "as long as the trees should grow, or the waters hold their course;" a promise, which was faithfully kept during the whole period of the proprietary government.'

'Previously to the arrival of the proprietor, some of the emigrants, who had preceded him, provided for themselves temporary accommodations on the site of the city, in bark huts, which the natives taught them to erect, or in caves dug in the high bank that overhung the Delaware. In one of these rude caves was born the first native Philadelphian.* The first house erected in Philadel-

* John Key, who reached the patriarchal age of eightyfive, and died at Kennet, in Chester county, in July 1767. He was born in a cave, afterwards known by the name of *Pennypot*, on the Bank near *Race* street. *Proud* relates of him, that when near eighty, he walked from Kennet to the city, a distance of thirty miles, in one day.

The natives of these dwellings of primitive simplicity, seem to have approached the primitive longevity; for Edward Drinker, who was also born in a cave, survived until the declaration of independence.

phia was a low wooden building, on the east side of Front street, in what was called Budd's Row, a little to the north of the creek or inlet now occupied by Dock street, and which originally flowed as far to the north and west as Chesnut and Third streets. The owner kept a tavern there, called 'The Blue Anchor,' for many years. One of the first brick buildings erected in Philadelphia, was a house, which till very recently stood on the north side of Chesnut street, opposite Carpenter's Court. In Letitia Court still survives the venerable building, which the proprietor occupied as his town residence, and which was erected within a few years after his arrival. Upwards of eighty houses, of different sizes, were erected during the first year; and the foundation being now laid, the proprietor addressed a letter of general information and description respecting the country, to the "Society of Free Traders," the following passage of which conveys his thoughts and wishes in regard to the infant city.

'"Philadelphia, the expectation of those that are concerned in this province, is at last laid out, to the great content of those here that are any ways interested therein. The situation is a neck of land, and lieth between two navigable rivers, Delaware and Sculkil; whereby it hath two fronts upon the water each a mile; and two from river to river. Delaware is a glorious river; but the Sculkil, being an hundred miles boatable above the falls, and its course north east, towards the fountain of Susquahanna, (that tends to the heart of the province, and both sides our own,) it is like to be a great part of the settlement of this age. I say little of the town itself, because a platform will be shewn you by my agent; in which those who are purchasers of me will find their names and interests. But this I will say for the good providence of God, that of all the many places I have seen in the world, I remember not one better seated; so that it seems to me to have been appointed for a town, whether we regard the rivers or the conveniency of the coves, docks, springs, the loftiness and soundness of the land, and the air, held by the people of these parts to be very good. It is advanced within less than a year to about four score houses and cottages, such as they are; where merchants and handicrafts are following their vocations as fast as they can; while the countrymen are close at their farms. Some of them got a little winter corn in the ground last season, and the generality have had a handsome summer crop, and are preparing for their winter corn. They reaped their barley this year in the month called May; the wheat in the month following; so that there is time in these parts for another crop of divers things before the winter season. We are daily in hopes of shipping to add to our number; for blessed be God, here is both room and accommodation for them. The stories of our necessity being either the

fear of our friends, or the scarecrows of our enemies. For the greatest hardship we have suffered hath been salt meat; which by fowl in winter, and fish in summer, together with some poultry, lamb, mutton, veal, and plenty of venison, the best part of the year hath been made very passable. I bless God, I am fully satisfied with the country, and entertainment I got in it. For I find that particular content which has always attended me, where God in his providence hath made it my place and service to reside, &c.'"

'From this time the population, and the number of houses, began to increase with great rapidity.

'On the 12th of January, 1683, the first general assembly of representatives convened at Philadelphia; and on the second day of the succeeding March, the first grand jury for the city was summoned. It is remarkable, that the first conviction, in a place of so much simplicity, was for counterfeiting the silver coin, an offence most generally the offspring of an advanced stage of society, and for the execution of which neither the materials nor the requisite privacy would seem likely to have been found.* Another trial was of one Margaret Mattson, indicted for witchcraft. The jury, with characteristic simplicity, found her "guilty of *having the common fame* of being a *witch*, but not guilty in manner and form as she stands indicted." The governor and his council presided as judges on this occasion; and it was not until the end of the succeeding year, that persons were appointed to act in the judicial capacity.' pp. 3–5.

The first government is complained of as having been instituted on defective principles, and not well adapted to advance the prosperity of the city, or secure the liberty of the citizens. Several changes were introduced from time to time, but it was not till 1796, that the present system was established.

'The mere enumeration of the public institutions of this city, established and supported for the diffusion of education, the relief of distress, the improvement of the human condition, the advancement of philosophy and literature, and similar purposes, will probably surprise even most of those in whose vicinity philanthropy has been so actively at work. In this labor of usefulness, it is right to say, that the members of the society of "Friends" have had their full share. A large proportion of the charities and comforts of Philadelphia has been derived from the unwearied philanthropy of this excellent sect, who have imparted something of their own love of solid usefulness, and their unostentatious benevolence, to the general character of the city. It is a subject of frequent re-

* The punishment to which the offender was condemned, is no less remarkable. He was sentenced to pay a fine of forty pounds towards the building of a court house! In the country from which the judges had just come, he would have been hung. So much were their ideas already purified.

proach against the "Friends," that they are averse, or at least indifferent to the cultivation of human learning. How unfounded the aspersion is, at least as respects the Quakers of Philadelphia, will be seen in the account of their literary establishments in the following pages. Probably at least one half even of the best informed inhabitants of Philadelphia are ignorant that there are not less than fifteen public schools established by this society in different parts of the city—that in the principal institution are taught the Latin, Greek and Hebrew languages, the mathematical sciences and natural philosophy, the public lectures are delivered in it on botany, mineralogy, &c. that it possesses an observatory, containing the most valuable astronomical instruments, a cabinet of minerals, and an extensive library of rare and useful books. It will equally surprise many Philadelphians, to learn that a public library founded by the friends, has existed for many years in the central part of the city, containing several thousand volumes, and open without any charge once a week to all respectable applicants. These institutions, and the silence and modesty with which their operations are conducted, are characteristic of Philadelphia.' pp. 10, 11.

To the following short notice of the commerce of the city, several valuable tables are attached, exhibiting the state of commerce in Philadelphia as compared with that of Baltimore, New York, and Boston.

'For a considerable period after the peace of 1783, Philadelphia stood at the head of the commercial cities of the Union. The profitable carrying trade, and the great demand in Europe for bread stuffs, consequent upon the wars, which arose out of the French Revolution, caused great activity in commerce, and greatly enriched this city. The superior advantages of New York, however, arising from her proximity to the ocean, have gradually raised her to the first rank in commerce, and placed her at a great distance beyond the other ports of the United States. After the peace of 1815, the commerce of Philadelphia declined to a very low ebb, in common with that of Boston, Baltimore, and other cities. The new state of things produced by a general peace had closed many profitable avenues; new channels were to be found; large profits were no longer to be expected; and it required some time for mercantile habits to adapt themselves to the change. Within the last four years, however, commerce and trade have again revived; a steady though gradual improvement is taking place, and Philadelphia is evidently resuming her former elevated rank in commerce.' pp. 31, 32.

The American Philosophical Society and the Academy of Natural Sciences, are thus described.

'The first was founded in 1743, principally by the exertions of Dr Franklin. In 1766 another institution for the same objects,

was formed, called "The American Society for promoting useful Knowledge;" and these two Societies were united, in 1769, under the title of "The American Philosophical Society held at Philadelphia for promoting useful Knowledge."

'About the year 1785, the society erected, for their accommodation, a large and commodious building, on a part of the State House square, granted to them by the legislature of Pennsylvania.

'The library of the Society consists of about 6000 volumes, of which a scientific catalogue has been recently printed, and is exceedingly valuable. The collection of the Transactions of foreign Academies is undoubtedly the most complete in this country.

'The society have also a collection of objects of natural history, consisting principally of minerals and fossil remains.

'The meetings of the society are held on the first and third Fridays of every month, from October to May, both inclusive; and on the third Friday of the other four months. On the other Friday evenings, the rooms are opened for the purpose of reading and conversation, and strangers are introduced.

'The society have published seven volumes of Transactions in quarto, and have an eighth now in the press; the two last belong to a new series.

'The main object of this institution is the cultivation of the exact sciences. It was thought important, however, to extend its views to history, moral science, and general literature; and a branch of the society, under the name of a standing committee, was formed for this purpose in 1815. This committee has been actively and successfully engaged in the collection of historical documents, principally those relating to the United States. They published, in 1819, a separate volume of transactions, in octavo.'

'The presidents of the society have been, Benjamin Franklin, David Rittenhouse, Thomas Jefferson, Caspar Wistar, and Robert Patterson.

'The officers of the society are elected annually, except twelve counsellors, who are elected for three years, one third of whom vacate their seats annually.' pp. 99, 100.

'The Academy of Natural Sciences, was formed in 1812, and incorporated in 1817. Without pretension or public encouragement, it has added largely to the stock of science, and gradually acquired a high power and well deserved reputation.

'The officers are, a president, two vice presidents, a corresponding secretary, a recording secretary, a treasurer, a librarian, four curators, and three auditors. Each member pays an initiation fee of ten dollars, and a quarterly contribution of three dollars.

'The library contains about 5000 volumes, among which is the most valuable and extensive collection of works on natural history in the United States. A very large and valuable herbarium, and

collections of shells, fossils, mineral and geological specimens, birds, quadrupeds, &c. compose the cabinet. A great number of the most valuable of the works in this collection, have been bestowed by its munificent benefactor, William Maclure.

'In 1817, the Academy commenced the periodical publication of some of the valuable papers read before it. Under the unassuming title of "The Journal of the Academy of Natural Sciences," three volumes have appeared, the contents of which are honorable to the scientific men of Philadelphia.' pp. 100, 101.

The little volume, from which these facts are selected, contains a great fund of information respecting the present state of Philadelphia, its municipal regulations, topography, commerce, manufactures, religious institutions, charitable and humane societies, literature, education, courts of judicature, navigation, and innumerable other particulars. The design of the work is good, and although in some of its departments it is exceedingly well executed, in others it is defective. We instance manufactures as a very important subject, which is touched upon but slightly. There is a minute description of the celebrated Water Works on the Schuylkill, which may well be considered the pride of the city, as they might justly be of any city in the world. An extraordinary rhapsody is introduced into the first part of the volume, which makes an odd impression in contrast with the modest historical sketch that precedes it, and harmonises but awkwardly with the sober character of the work.

The plan of this publication is worthy of being imitated in all our cities. The information thus communicated would be highly beneficial; it would excite emulation and activity; it would mark the progress of improvement, and show every citizen what has been done, and what still remains for future achievement.

2.—*Florula Bostoniensis. A Collection of Plants of Boston and its Vicinity, with their generic and specific Characters, principal Synonyms, Descriptions, Places of Growth, and time of Flowering; and occasional Remarks.* By Jacob Bigelow, M. D. &c. Second Edition, greatly enlarged; to which is added a Glossary of the Botanical Terms employed in the Work. 8vo. Cummings, Hilliard, & Co. Boston. 1824.

Dr Bigelow has at length given to the public the long wished for second edition of his Florula Bostoniensis, with such improvements as will account and well atone for the delay attending its publication. We have heretofore taken an extended view of his valuable contributions to the study of American botany; and there

is no occasion for us here to go beyond a brief critical notice of the present volume.

The first edition, published in 1814, appeared at a time when absolutely no facilities for the study of our botany existed, or at least none existed, which were generally accessible in the country. The knowledge of our plants was locked up in the Latin tongue, and in the short specific descriptions of Linnæus or Michaux. These were of no service, therefore, to any but the professed scholar, and to those who were already conversant with the science of botany, and practised in botanical inquiries. They were a sealed book to the great mass of the people, although botany is a study eminently attractive and popular, when presented in a proper shape. This deficiency Dr Bigelow supplied in some measure, by compiling, partly from books, but still more from personal observation, a description of the plants of Boston and its vicinity, which, as it included the University of Cambridge and the commercial emporium of New England, was calculated to be as widely beneficial as a local Flora of any part of the eastern states could well be rendered. And although the task of composing a local Flora may seemingly be more humble, than that of composing larger collections, yet for the purposes of accurate science, not less than for those of elementary instruction, the superior utility of the more limited works is now very generally appreciated and admitted. It is impossible that the Flora of a continent, or still more of the whole surface of the earth, should be otherwise than comparatively incomplete, superficial, and erroneous. The investigations of one man, nay of many men, are inadequate to perfect such a work without taking too much upon the faith of others, in a science where nothing ought to be set down for certain, unless verified by the strictest scrutiny. But let the botanist confine his efforts within a narrower compass, and he will be enabled, as Dr Bigelow has been in the work before us, to obtain a more exact knowledge of his district, and to communicate that knowledge in a fuller and more perspicuous form.

The plan adopted by Dr Bigelow is excellent in the main. He would perhaps have done better not to follow so closely the old sexual arrangement of the classes. How much soever we may admire the labors of the great regenerator of the science of natural history, we should not stop short with the improvements, which he himself introduced into this delightful study. The ingenious ideas of his disciples ought not to be lost sight of in the splendor of their great master's discoveries. This principle would, in our opinion, warrant the omission of the classes Dodecandria and Polyadelphia, if not the remodelling of the classes Monœcia, Diœcia, and Polygamia, agreeably to the suggestions of Smith.

Apart from this, the Florula is a model for works of this nature. Prefixed to the plants of each class are the short generic characters

of those plants, so that when the learner takes up one of them for examination, he is regularly guided through its class and order to its genus. The description of each plant includes, first, the specific character, and then a full description of the appearance, habits, time of flowering, localities, &c. of the plant. The Florula would be far less valuable, were either the specific characters or the full description omitted. The first is most useful to the botanist, who is accustomed to the study of plants, provided he has all the species of a genus before him; because he can instantly detect the species by looking at the specific difference alone, whilst a full description would only serve to embarrass and mislead him. Hence, in the species Plantarum, where Linnæus knew but one species of the genus, he gave no description; and, where it was practicable, he recorded no more than a single fact whereby to distinguish the several species. Instances of this occur throughout the work, as in the *genera* Lolium, Claytonia, Periploza, Beta, Cressa, Anacardium, Dictamnus, &c.* Indeed, such is the general plan of the specific differences in botanical books. But in a work designed for popular use, for the unlearned, for those who pursue the study of botany from a liberal and extended curiosity merely, or as an elegant recreation, a kind of intellectual amusement, more than this is required. They need a description of the plant in the full meaning of the term. And this we have in the Florula, done with great clearness, judgment and skill, and with a degree of faithfulness, which, after constant use of the first edition for many years, and a minute examination of most of the plants described in the book, with the book in our hands, we feel authorised to speak of in the strongest language of praise.

The defect of the first edition was its incompleteness. Carefully and industriously as it was compiled, many plants, which are sufficiently abundant in certain localities within the limits, which Dr Bigelow prescribed to himself, were overlooked by him in preparing it for the press. These are inserted in the present edition, and many of the former descriptions are enlarged and corrected, or written anew; and the value of the work is much enhanced by the addition of a glossary of technical terms for the use of learners. Nor is this all. It is well known that Dr Bigelow has long had it in contemplation to compile a Flora of New England. Whilst we lament the abandonment of his design, which is announced in the work before us, our regret is lessened by his inserting in it the plants, which he had collected with a view to that object. The second edition thus contains nearly twice as many plants as the first, and our readers will readily believe us when we say, the value of the work is more than doubled in consequence of all these improvements. The students of botany, into whatever part of New

* Caroli Linnæi, Species Plantarum, Holm. 1753.

England their inquiries may carry them, will now find the Florula a convenient manual, and a safe guide in the study of one of the most fascinating of all the departments of natural history.

3.—*A Treatise on Crimes and Misdemeanors, by William Oldnall Russell, of Lincoln's Inn, Esq. Barrister at Law. First American Edition, with additional Notes of Decisions in the American Courts.* By DANIEL DAVIS, Solicitor General of Massachusetts. 2 Vols. 8vo. Boston. Cummings, Hilliard & Co. 1824.

RUSSELL's Treatise on Crimes and Misdemeanors is not only the most complete and the latest, but is also the most approved of the modern digests on the subject. It contains the principles relative to every indictable offence except high treason, collected with immense labor from the works of his predecessors and from the statute books, from the new cases in the various printed reports, and many manuscript cases of undoubted authenticity. By it, the errors of other authors are corrected and their deficiencies supplied, and the profession presented with an abstract of the vast mass of authorities on the definitions, descriptions, distinctions and consequences of criminal acts. The subject of evidence on criminal prosecutions is not fully treated of; and that of process and other matters of practice wholly passed over; nor are precedents of indictments introduced; the author conceiving that the law on these subjects was abundantly afforded in several recent publications, particularly in Chitty's Treatise on Criminal Law.

The only works on this express subject published in England before the Restoration, setting aside Lambard, Crompton and Dalton, who confined themselves chiefly to justices of the peace, are Sir William Staundforde's, and the Third Institute. Staundforde was always much esteemed; but Coke was early questioned and denied to be safe authority. His book is very incomplete; it is immethodical, like his other writings; it was a posthumous work printed in its unfinished state. Hence, in the very first reign after it was published, the court of king's bench had repeated occasion to speak of its many errors; and a learned judge, who left behind him a small but valuable collection of cases in crown law, Sir John Kelyng, used these remarkable words in respect of the Third Institute; 'There are many things in his (Sir E. Coke's) Posthumous Works, which lie under a suspicion, whether they received no alteration, they coming out in the time of that which is called the long parliament, in the time of that desperate rebellion against King Charles the First.'* Thus stood

* Kelyng's Rep. pp. 21, 49.

this branch of the law until the appearance of Hale's Summary, which was nothing more than a judicious and methodical outline of his learned Historia Placitorum Coronæ, which, although the publication of it was ordered by the House of Commons in 1680, did not issue from the press until more than fifty years afterwards, when the public approbation had already been preoccupied by Sergeant Hawkins' Elementary Treatise of the Pleas of the Crown. The high authority of the name of Sir Matthew Hale, and the sterling excellence of Hawkins, caused the profession to rest content with their works for a long period, without demanding any new compilation of Crown Law. Important additions were made to it from time to time, by the publication of Foster's Report and Discourses, Leach's Collection, and Blackstone's Commentaries; and at length the number of undigested judicial decisions and penal statutes had become so immensely great, that a new abridgment of Crown Law was thought necessary, and undertaken, but left incomplete, by Sir Edward Hyde East. In the mean time the *indigesta moles* of penal law has continued to swell during the lapse of twenty years, until Mr Russell found it more convenient to finish the task, which his predecessor abandoned, by beginning *de novo* and compiling an entire treatise, than by merely attempting to make additions to East.

It only remains to state what Mr Davis has done for the improvement of the American edition of Russell. This consists in the omission of one third in number of the entire chapters, and many considerable portions of others, which, says the editor, 'have no application to the jurisprudence of this country;' and in appending to the text notes of decisions made in our courts, and references to our statutes. He has succesfully applied to this work the process of amputation, which Messrs Sergeant and Lowber employ to much advantage, but, if anywise objectionably, with too sparing a hand, in republishing the crude modern English reports; and which we strongly urged, not long since, as fit to be exerted in preparing improved editions of the old reporters. We do not need to have our shelves cumbered with expensive volumes of local foreign statutes, and local foreign adjudications, of no actual, and hardly of any possible application to our laws. Yet our booksellers import and reprint them in the gross. We hope the example now set will be generally imitated, whenever editions of bulky English law books are republished in America.

4.—*Memoirs of the Campaign of the North Western Army of the United States, A. D.* 1812; *in a Series of Letters addressed to the Citizens of the United States. With an Appendix containing a brief Sketch of the Revolutionary Services of the Author.* By William Hull, late Governor of the Territory of Michigan, and Brigadier General in the Service of the United States. 8vo. pp. 240. Boston. True & Green. 1824.

Most of our readers remember the principal events of the disastrous campaign, to which this work relates, and the decision of the court martial by which General Hull was tried. This officer has always considered his case as standing in a very unfair and partial light before the public, and has at last brought forward what he deems a correct detail of all the transactions pertaining to his connexion with the army. We have no disposition to take any part in the controversy between General Hull and his opponents, nor to revive a subject, which, for the credit of the country, had better be forgotten than remembered; yet if we are to judge simply by the public documents collected and published in these memoirs, we must draw the conclusion unequivocally, that he was required by the general government to do what it was morally and physically impossible that he should do, that he was surrounded by difficulties which no human agency could conquer, and, in short, whatever may have been his mistakes of judgment in any particular movement, he deserved not the unqualified censure inflicted on him by the court martial. The trial was evidently conducted without a full knowledge of all the testimony in his favor; important documents in the public offices he could not then obtain; they are now published, and throw new light on the subject.

The precipitancy with which war was declared, the total want of preparation, and the deficiency of means, afford an apology no doubt to the general government for not providing an immediate and adequate defence for the north western frontier; but it is an extremely hard case, that an officer should suffer in consequence of the neglect of higher powers. General Hull has no right to complain, that his orders were not sufficiently clear and explicit; but he has a right to complain, that he was ordered to defend a long line of frontier, and invade an enemy's possessions, without being provided with means to effect such an enterprise; and above all has he a right to complain, that he was formally condemned by a grave military tribunal for the issue of unfortunate events, as mortifying to him in themselves as they could possibly be to any other person less interested, and over which he had no control. We aim not to defend General Hull; his defence must rest on his book; let it be conceded that he was guilty of mistakes, the question still

recurs, and it is one of vital consequence to the party accused, whether these mistakes may not in the main be very easily traced to his circumstances, to his confident expectation of aid from government, which he never received, and of cooperation with other branches of the army, which never took place, and without both of which there was no possibility of his effecting what was required of him. The public documents and letters published by him answer this question decidedly in the affirmative, and ought to produce an impression on the public mind at least, far different from that left by the decision of the court martial.

In addition to their personal bearing, these memoirs contain many facts of historical value, relating to the last war. The appendix speaks of the author's services in the revolution.

5.—*A Communication on the Improvement of Government; read before the American Philosophical Society, at a Meeting attended by General Lafayette, Oct. 1st,* 1824. By Charles J. Ingersoll. 12mo. pp. 24. Philadelphia. A. Small. 1824.

It has grown to be a favorite occupation with scholars and politicians to watch the progress of society and governments, arts and institutions, to talk of the influence of one on another, and of their combined effect on the human character, and to contemplate the changes and grand achievements, which are to mark the features of coming ages. The mind has taken this direction in modern times. Three centuries ago, who tasked himself to dream or inquire what would be the state of the world at this day? Who traced existing principles to ultimate results, or predicted from new discoveries in science, or a new step in political advancement, what mysteries of nature would be revealed, or what magnificent political fabrics would be reared at any future period? The art of printing arose as a second sun on the world; it spread the light of intellect and truth, and recorded the progress of knowledge on pages open to the inspection of all mankind. The acquirements of genius, and the discoveries of accident have been preserved; data have thus been accumulated; experiments have been tried and their results noted, and each link in the chain, in any stage of its increase, may be seen by itself, and compared with the others. Hence it is, that the past affords some insight into the future; there is uniformity in nature, and the machinery which moves society is at different times similarly affected by similar causes. This is the foundation of the prophetic tendency, which the speculations of thinking men are taking at the present day. It is pleasing to range in the uncertainty of the future, and mould things according to our liking, to build up a

happy nation on the basis of equal rights in one country, and tumble to the dust the overgrown and self destroying despotisms of another. It is gratifying to our love of power, thus to draw nature and time into our service, and employ them in accomplishing the great improvement to which we look forward in the condition of man.

But these remarks have a very slight bearing on Mr Ingersoll's Address. It is true his subject is the improvement of government, but nevertheless he dwells not so much on what is to be, as on what has been, and now is. He goes back no farther than the American Revolution, and he describes briefly the conquest, which has been made since that period, over prejudice, ignorance, despotism, and other enemies of human improvement and happiness.

'Commerce, and the Press, rapidly disseminate improvements, and add great influence to intelligence. Thirty millions of educated people, now in Europe and America, more than there were a few years since, and their number increasing in geometrical ratio—all intensely studious of political philosophy—create another empire within every state, continually seeking ascendency. And this empire, though separated throughout many nations and by intervening seas, is nevertheless one and indivisible in its views and sympathies. Public opinion, no longer spent in the vacuum of oral tradition, is girt with omnipotence by the independent press, whose piercing rays no sanctuary can keep out. Superstition and ignorance are fallen into obscurity. Organised societies of all sects and nations, are in victorious crusade against their last holds. Religion itself must soon be free. Already laws are the popular will, even when otherwise ostensibly enacted. Divine right to passive obedience is scarcely asserted. Equality of individuals and of nations, the advantages of unrestrained intercourse, the mischiefs of all superfluous governance, are becoming established principles of international and of municipal law. Political economy, which has remained till lately almost unthought of, since the suggestions of Plato on that subject, has taken an eminent place among modern sciences. Labor and economy are recognised as the wealth of nations. Monopoly, exclusion, local preferences and factitious counteraction, are felt and treated as issues of calamity; and but few parasites utter the preposterous flattery, that private luxury and public extravagance invigorate circulation and replenishment. Political philosophy is almost as much improved.' pp. 5—7.

These are encouraging views of the present state of civilised countries, and afford enlivening anticipations for the future. The author adds, in the same spirit of comprehensive observation,

'I believe we may rest assured, that the political, intellectual and physical state of man, is generally improved and improving.

Jury trial and other great amendments are taking effect among the tractable East Indians. Steam boats are employed in Astrakan and Siberia. Newspapers are published at Pekin. Almost the same political economy is proclaimed, if not practised, throughout Europe and America. A corner of creation, towards which the rest looks with fondness, as the ancient mart of the mind, without any force but the energy of despair, or hope but that of the auspices of the age, has for several years annually sacrificed hecatombs of Turks to independence. Even Egypt, the preceptress of Greece, gives signs of the understanding that precedes it. If, in the definition of Shakspeare, which Burke pronounced the best,

> Man is a creature holding large discourse,
> Looking before and after—

his rights and interests are in full advancement. His discourse becoming freer, his forecast more rational, his recollections more philosophical; and, without regard to the mere form of government, the whole social organisation much ameliorated.' pp. 10, 11.

Mr Ingersoll touches on several topics of great compass, each of which if pursued might lead us into a wide field of inquiry and remark. His words are few but they are fertile in meaning, and much depth of thought is perceived under a narrow surface of visible signs. The performance as a whole indicates haste; it is immature, and a little too indefinite in some of its parts. The style of the author, also, which is usually remarkable for its point and perspicuity, is not so well finished as in some of his other writings. He tells us of the disciples of a philosophy 'invincibly armed against the *despotism of individuality*,' and talks of 'the *actuality* of a beneficent government;' and he characterises the preamble to Franklin's memorable Treaty, as one 'containing the whole philosophy of government, whose deities are equality and reciprocity, whose demons are burdensome preferences, national and individual, foreign and municipal.' The closing pages of the discourse, referring particularly to the presence of General Lafayette, are appropriate, and express lofty and just sentiments.

6.—*The Auction System; being a Series of Numbers published in the Federal Gazette, addressed to the Citizens of Baltimore.* 8vo. pp. 44. J. D. Toy. Baltimore. 1824.

That the subject of sales at auction is about to assume much importance among us, is obvious from the excitement which it produced during the last session of Congress, by the petitions and counter petitions sent up from almost every city in the Union. These same circumstances would also indicate, that it is a subject

of which many things may be said on both sides. In our present number we intended to discuss this topic at large, but other things have beguiled so much of our attention, that we have been obliged to let it escape untouched.

We notice the above pamphlet, as containing the arguments against the auction system, drawn out in an able, ingenious, and popular manner. The author arranges his objections under five heads, and professes to prove; 1. That the mode of selling by auction enables foreigners to possess advantages in our own markets not enjoyed by American merchants. 2. That it affords them an opportunity of importing goods at a less duty than our citizens. 3. That it induces foreign importers to practise concealment and fraud in the sale of goods, and thus has an injurious moral influence on the community. 4. That it is adverse and prejudicial to the manufactures of the country. 5. That the small traders and consumers are not benefited by the auction system. And the conclusion from the whole is, that it would be an essential advantage to the country, if auctions were abolished. To effect this the author proposes a duty of ten per cent laid by Congress on auction sales throughout the United States. In his concluding observations he maintains, that Congress is the only power authorised by the Constitution to act on the subject. This position he takes from the clause of the Constitution, in which States are prohibited from laying imposts or duties on imports or exports without consent of Congress. He says that 'a duty on the sale of foreign goods at auction is substantially an impost, else the above clause of the constitution is nugatory; for if the states can lay a duty on the sale of foreign goods at auction, they can on the same principle lay a like duty on them at private sale, and if they can lay a duty of one and a half per cent, they may also lay a duty of twentyfive per cent, and thus they may virtually exclude them from the state. This would be a regulation of commerce, and is one of the exclusive powers of the general government.' As to the soundness of this construction we undertake not to decide. It has been strenuously urged in other quarters, that Congress has nothing to do with the matter, but that the whole devolves on the states.

7.—*Evenings in New England; intended for Juvenile Amusement and Instruction.* By An American Lady. pp. 179. Boston. Cummings, Hilliard, & Co. 1824.

Genius can hardly be employed in a more grateful task, than in guiding the footsteps of childhood and youth, nourishing the plant of virtue in its tenderest age, and protecting the blossom of innocence at a time, when it may so easily be withered and destroyed

by the rude assaults to which it is exposed. One good principle, one kind affection, deeply rooted in the young and susceptible heart, will have an influence, whose extent and effect are not to be calculated. Infancy is the season for strong and permanent impressions; manhood is stubborn; the twig has been bent and the tree formed, and the labor of years will not now remedy what the lessons of an hour might have prevented. Great praise is due, therefore, to those writers who are willing to amuse and instruct the young, planting the early seeds of virtue, and pouring into the vacant mind the treasures of knowledge. Among those to whom no sparing tribute of thanks is due for this service, is the author of *Evenings in New England.* Her little volume is recommended, both as the work of a highly gifted imagination and a well informed mind, and as inculcating the best moral principles in connexion with just views of some of the primary springs of human conduct. Her plan is miscellaneous, and she happily combines fable, dialogue, historical incidents, and precept, with such lessons on the works of nature and art, as are suited to the first stages of the rising intellect. The book cannot fail to amuse children, it cannot fail to instruct and make them better, and it may safely be put into their hands, with the confidence, that it will exercise no feeble agency in laying the foundation of a character, which in after life will secure to them the respect of the wise, and the benedictions of the good.

We should do injustice to the author, as well as to ourselves, should we forbear to hint at the faults of this performance, with the merits of which we have been on the whole so favorably impressed. Its imperfections are trivial in their nature, when compared with its better qualities, yet they are strongly marked. An appearance of haste runs through the whole book; thoughts are but half carried out, impressions are vaguely communicated, and the style is too often loose, unfinished, and inelegant. There is no apology for haste; the author of a book is governed neither by the tide nor the seasons; and if it is worth while to write at all, it is equally worth while to write with care. This should be done for children as much as for men, and perhaps more, since their taste will be moulded by those compositions, which at an early period enlist their imagination and settle into the memory. Mrs Barbauld has proved, that topics adapted to the humblest capacity may be treated in a style of pure and polished elegance, and that the attention of children may be riveted by a language, which charms the matured and most fastidious taste. Let no one, who adventures in this department of writing, be satisfied, till the same end is attained. The author's piece entitled the Adventures of a Dandalion, is a close and by no means successful imitation of Montgomery's Life of a Flower; and, indeed, in several parts of the volume the reader is reminded of *Prose by a Poet.* The moral of some of the stories

floats above the heads of children, and we doubt whether the letters that passed between the Plymouth Rock and the Duxbury Tree, and the discourse held by the Rock and Tree concerning whigs and tories, will contribute much to edify and improve juvenile readers. In short, if we are not deceived, this performance betrays a hand capable of much higher things than are here achieved or attempted, and we should be glad to see the results of its skill in some work of wider scope and sustained interest, conceived with deliberation, and finished with care.

In the article on the Common Law, in our last number, (p. 423, line 16 from top,) there was an accidental omission. The following sentence should be inserted near the end of that line. 'Goodright no sooner enters into possession, than he is forcibly dispossessed by Richard Thrustout. Goodright then sues Thrustout,' &c.

Want of room makes it necessary for us to defer, to another number, reviews of Redwood, of Professor Everett's Oration before the Phi Beta Kappa Society, of Butler's Reminiscences, of Brown's Lectures, and articles on the Insurrection of Tupac Amaru, in South America, and on the Code Napoleon.

QUARTERLY LIST OF NEW PUBLICATIONS.

AGRICULTURE.

New England Farmer. Published by John B. Russell; and edited by Thomas G. Fessenden. Boston. 1824.

This is a weekly journal printed in a royal quarto form, and devoted to agriculture. Three volumes have been published. In its purposes and general character it resembles the Baltimore American Farmer, which we noticed on a former occasion. The New England Farmer, of course, is chiefly confined to the agriculture of the eastern states; although it contains communications of general utility sent from different parts of the Union, and such occasional selections from the best agricultural works, as are important in conveying useful knowledge to the farmer. Well conducted journals of this sort must have a most beneficial effect on the community. To instruct the farmer in his art, and teach him easier methods of tilling his soil, and drawing from it a more abundant product, is to diminish the expense of cultivation, and save the same proportion of labor to be employed in an additional production.

The Editor of the New England Farmer is well known to the public as an able writer, and if we mistake not, this journal will prove, that his ability has been employed with judgment and success in the walks of agriculture. Among his contributors are some of our most distinguished citizens and experienced agriculturalists; and his work may undoubtedly be recommended to the farmers of New England in particular, as containing a mass of knowledge highly useful to them, which could not be obtained from any other single source. Farmers in every part of the United States will also find it valuable, as a repository of facts on the principles and practices of agriculture in general.

Memoirs of the Pennsylvania Agricultural Society; with Selections from the most approved Farmers of the United States, published by Order of the Directors. 8vo. with Engravings. 1823 and 1824.

ARTS, SCIENCES, AND PHILOSOPHY.

Some further New Facts in Vision. By E. C. Cooper, M. D. 12mo. pp. 80. New York. Wilder & Campbell.

The Boston Journal of Philosophy and the Arts, Nos. 8 and 9.

New England Journal of Medicine and Surgery. No. 4. Vol. XIII.

Silliman's American Journal of Science and the Arts. No. 2, Vol. VIII. for August, 1824.

The Practical Manipulator, or American Depository of Arts and Sciences. By Richard Willcox, Engineer, Machinist, &c.

ASTRONOMY.

Astronomical Recreations, or Sketches of the Relative Position and Mythological History of the Constellations. By J. Green. Philadelphia.

BIOGRAPHY.

Memoirs of the Life of Gilbert Motier Lafayette. By Gen. H. L. Ducoudray Holstein. Translated from the French Manuscript. 12mo. pp. 305. New York.

Memoirs of Gen. Lafayette; with an Account of his Visit to America, and of his Reception by the People of the United States; from his Arrival, Aug. 15th, to the Celebration at Yorktown, Oct. 19, 1824; to which is prefixed a correct Likeness of this distinguished Patriot and zealous Friend of Liberty. Boston. E. G. House.

An Authentic Biography of Gen. Lafayette, in which many Errors and Deficiencies existing in the Memoirs heretofore Published are corrected and supplied. By a Gentleman of Philadelphia. Embellished with a handsome Engraving.

The Life of Gen. Andrew Jackson, Major General in the Service of the United States; comprising a History of the War in the South, from the Commencement of the Creek Campaign to the Termination of Hostilities before New Orleans. By John Henry Eaton, Senator of the United States. 1 Vol. 8vo. Philadelphia. S. F. Bradford.

COMMERCE.

A Digest of the Commercial Regulations of the different Foreign Nations with which the United States have Intercourse. Prepared conformably to a Resolution of the House of Representatives of the 21st January, 1823. 8vo. pp. 528.

The Auction System; being a Series of Numbers published in the Federal Gazette, addressed to the Citizens of Baltimore. 8vo. pp. 44.

EDUCATION.

Evenings in New England; intended for Juvenile Amusement and Instruction. By an American Lady. pp. 181. Cummings, Hilliard & Co.

Conversations on English Grammar; explaining the Principles and Rules of the Language, illustrated by appropriate Exercises, adridged and adapted to the Use of Schools. By C. M. Ingersoll. Fourth Edition. 12mo. pp. 298. Portland.

It is not a common thing among us for a work to pass through four large editions within as many years after its first appearance, and yet such has been the good fortune of the Conversations on English Grammar. This success is itself an indication of the favorable light, in which the public is disposed to regard the author's labors. His book has been recommended by some of the principal teachers in the country, and would seem to be going into extensive

use. His plan may be best understood from his own words. 'A natural and easy gradation in introducing and connecting the different parts of speech, and in explaining the inflections and properties peculiar to each; presenting, progressively, that only which the learner is prepared to understand; and illustrating the rules and principles by examples and practical exercises, in a course of familiar Conversations; seemed to the author to be the method best adapted to remove this difficulty, and to excite attention and curiosity in those who are endeavoring to acquire a knowledge of English Grammar.' In conformity with these views the author has thrown the whole subject into a series of conversations, or dialogues, and it has been a special object with him to simplify and methodise his materials as far as possible, and to arrange them in a strictly analytical order. The plan seems to us good, and the outlines well drawn; those only who are experienced in teaching from it can tell whether all its parts are successfully executed.

The author pretends not to any new discoveries in Grammar. He is quite contented to take the language as it stands, and teach it according to principles, which nature and custom have long ago established. He aims to improve the *manner* of teaching, and to facilitate acquisition, but not to invent new instruments, nor unfold mysteries. His remarks on the subjunctive mood are judicious, and worthy of being carefully studied by many, who might deem it no compliment to their school learning to be sent back to their grammar. Among those who are accounted the best writers of the present day, nothing is more common than an incorrect use of the subjunctive mood. It is perpetually confounded with the indicative, and one is put for the other without discrimination. These sins against grammatical purity may easily be corrected by proper attention. The rules of distinction are broad and plain; they are well elucidated by Murray; and Mr Ingersoll, observing the errors into which authors are constantly falling, has labored to set the subject in a still stronger light, and to explain and impress it by further illustrations.

American Popular Lessons. Fourth Edition. New York.

A Greek Grammar, principally abridged from that of Buttman, for the Use of Schools. By George Bancroft. Boston. Cummings, Hilliard & Co.

The Arithmetical Expositor; or a Treatise on the Theory and Practice of Arithmetic, suited to the Commerce of the United States. By Enoch Lewis. 12mo. Philadelphia.

Conversations on Common Things; or a Guide to Knowledge; with Questions. By a Teacher. Munroe & Francis.

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The Rational Guide to Reading and Orthography, being an Attempt to Improve the Arrangement of Words in English Spelling Books, and to adapt the Reading Lessons to the Comprehension of those for whom they are intended. By William B. Fowle, Instructer of the Monitorial School, Boston. A New Stereotype Edition. T. P. & J. S. Fowle.

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HISTORY.

Memoirs of the Campaign of the North Western Army of the United States, A. D. 1812, in a Series of Letters addressed to the Citizens of the United States. With an Appendix containing a brief Sketch of the Revolutionary Services of the Author. By William Hull, late Governor of the Territory of Michigan, and Brigadier General in the Service of the United States, 8vo. pp. 239. Boston. True & Green.

Collections of the New Hampshire Historical Society. Vol. I. 8vo. pp. 336. J. B. Moore. Concord. Price, $1,50 in boards.

Annals of Baltimore. By Thomas W. Griffith. 8vo. pp. 240.

New Hampshire Historical Collections. Vol. III. Nos. 11, 12. J. B. Moore. Concord.

With these numbers the publisher gives notice, that this very useful work is closed. The three volumes contain a mass of valuable historical facts, and full sets of the work may be had at the publisher's Bookstore in Concord.

A Sketch of the first Settlement of the several Towns on Long Island, with their political Condition to the End of the American Revolution. By Silas Wood.

LAW.

Reports of Cases Argued and Adjudged in the Supreme Court of the United States, February Term, 1824. By Henry Wheaton, Counsellor at Law. Vol. IX. New York.

Reports of Cases Argued and Determined in the Supreme Court, and in the Court for the Trial of Impeachments and the Correction of Errors, of the State of New York. By E. Cowen. Vol. II. Albany. N. Gould & Co.

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A Summary of the Law and Practice of Real Actions, with an Appendix of Practical Forms. By Professor Stearns, of Harvard University. Cummings, Hilliard & Co.

The New Hampshire Justice of the Peace. I. Hill. Concord.

Charlton's Reports of Cases Argued and determined in the Superior Court of the State of Georgia.

MEDICINE.

Journal of Foreign Medical Science and Literature. No. XVI. Philadelphia. E. Littell.

The Medical Recorder, for October, 1824.

A Compendious System of Midwifery. By William Dewees. Philadelphia. Carey & Lea. 1 vol. 8vo.

Elements of Etiology and Philosophy of Epidemics. By J. M. Smith, M. D. New York, 1824. 8vo. pp. 223.

MISCELLANEOUS.

Pulaski Vindicated from an unsupported Charge, inconsiderately or malignantly introduced in Judge Johnson's Sketches of the Life and Correspondence of Gen. Greene. 8vo. pp. 38. Baltimore.

In his Life of General Green, Judge Johnson has spoken with severity of the conduct of the celebrated Polish Count Pulaski at the battle of Germantown. A friend of Pulaski now living has come forward to vindicate the character of the distinguished Pole, and prove the mistake of the biographer of Green. On a future occasion we shall return to the subject of this pamphlet. Count Pulaski, like Lafayette, engaged as a volunteer in our revolutionary cause, he fought for our liberties, and was slain in the struggle that procured our independence. This is enough to give his name a place in every American heart, and to demand for it a tribute of respectful and cherished remembrance. Pulaski was a brave soldier, a foe to tyrants, and a devoted friend of freedom both in Europe and America.

Port Folio. Nos. 270, 271 and 272.

Redinger Magazin, Nos. 10 and 11.

Tales of a Traveller. Parts III, IV. By Geoffrey Crayon, Gent. 8vo. Philadelphia. Carey & Lea.

A Letter to John Lowell, Esq. in Reply to a Publication entitled Remarks on a Pamphlet, Printed by the Professors and Tutors of Harvard University, touching their right to the exclusive Government of that Seminary. By Edward Everett, 8vo. pp. 102. Boston. O. Everett.

An Oration pronounced before the Phi Beta Kappa Society of Dartmouth College, on the 19th of August last. By Samuel L. Knapp, Esq. Printed by Request of the Society. Boston.

The American Monthly Magazine. Vol. II, Nos. 10 and 11. Published by J Mortimer. Philadelphia.

Further Remarks on the Memorial of the Officers of Harvard College. By An Alumnus of that College. 8vo. Boston. Wells & Lilly.

An Inquiry into the Moral Character of Lord Byron. By J. W. Simmons. 8vo. pp. 58. New York. E. Bliss & E. White.

An Abridgment of the Writings of Lewis Cornaro, a Nobleman of Venice, on Health and long Life. By Herman Dagget, A. M. Principal of the Foreign Mission School. Andover. M. Newman.

A Communication on the Improvement of Government, read before the American Philosophical Society, at a Meeting attended by Gen. Lafayette, Oct. 1st. 1824. By Charles J. Ingersoll, Esq. Philadelphia. A. Small.

The Theory and Practice of Seamanship, together with a System of Naval Tactics, with Rules, Regulations, and Instructions, for the Naval Service, compiled by E. M. Blunt. 2d Edition. N. York.

Governor Worthington's Speech on the Maryland Test Act. 8vo. pp. 40. Baltimore. 1824.

It is a little remarkable, that in the State of Maryland, where the first act of religious toleration, which ever proceeded from a legislative body, was passed, there should exist to this day a *religious test*. In reading the debates of the Maryland legislature during the last two or three years, it would seem as if the state of public sentiment, feeling, and intelligence were going back again to the ages of darkness, instead of keeping onward with the progress of truth and improvement. Mr Worthington has shown, in the most convincing manner, how repugnant a religious test is to the American Constitution, and to the Constitutions of all the States but two or three. He mentions a singular fact in regard to North Carolina. A person was recently elected to the legislature of the state, whose seat was attempted to be vacated because he refused to submit to the test. But 'it was determined that the state test was repugnant to the Constitution of the United States, and he retained his seat; he was a Jew.'

In Maryland are many Jews of high respectability and influence in society; some of them are wealthy, and contribute their due share to the support of government; and in all respects they have as much interest in the civil and political institutions of the state, and as much at stake in the good management of public concerns, as any other class of citizens. And yet the Constitution of Maryland refuses to these persons any participation in the govern-

ment, which they help to support, and by which their rights are maintained, and their property secured. How does this agree with the basis of freedom and equal rights on which our political fabric is founded? The Jew is free to pay taxes, but he is not free to think on religious subjects as his conscience dictates. For assuming such a liberty he must suffer the penalty of being deprived of one half of his privileges as a citizen. This is worse than absurd; it is a reproach to the age, and a foul blot on the charter of every free government, which suffers it to exist there. A bill has been several times brought before the legislature of Maryland, proposing to abolish the test, and as it has been urged chiefly on the ground of relieving the Jews, it is commonly known by the name of the *Jew Bill*. The warmth with which Mr Worthington takes up the cause in his speech, is creditable to his feelings and patriotic principles.

The Ladies' Companion; being Selections from Bellegarde, Fenelon, More, Swift, and Moore. Selected and revised by a Lady in the County of Worcester, Mass. 12mo. pp. 156. Worcester.

The Atlantic Magazine, Nos. 7 & 8.

Report of the Vermont Colonisation Society. Oct. 11, 1824. Montpelier. 8vo. pp. 8.

The Disclosure. No. 1. Documents relating to Violations and Evasions of the Laws during the Commercial Restrictions and late War with Great Britain, &c. Part 1st. Bath.

Correspondence between Senhor Jose Silvestre Rebello, Chargé d' Affaires of H. M. the Emperor of Brazil, resident in Washington; and Citizen Antonio Gonzalves da Cruz, Consul General of the same Empire, resident in Philadelphia.

The same work is also printed in the Portuguese language; and the Correspondence relates to some differences between Mr Rabello and Mr da Cruz, respecting the extent of the authority of each as agents from the Brazilian Government to this country, and the power of appointing vice consuls.

MILITARY.

Potter's Compend of the Infantry Exercise of the United States Army, Abridged for the Use of the Militia of the United States. Fifth Edition, to which is added 'Compliments by Troops under Review,' and the 'Form and Course of Inspection,' Abridged from the 'General Regulations of the Army.' Poughkeepsie.

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Unitarian Miscellany, Nos. 46 & 47.

Christian Spectator, Vol. VI. Nos. 9, 10 & 11.

The Christian Examiner and Theological Review, No. V.

A few Thoughts (of an aged Layman) respecting Jesus Christ, and the Holy Spirit, as they relate to Unitarians and Trinitarians. Portland.

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Eighth Report of the American Bible Society, presented May 13th, 1824, with an Appendix; containing Extracts from Correspondence, &c. &c. 8vo. New York.

A Sermon delivered in the Chapel of the College of New Jersey, Aug. 15th, 1824. By Philip Lindsley, D. D. 8vo. pp. 52. Princeton, New Jersey.

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Letters on Christian Communion, addressed to the Members of the Associate Reformed, the Associate, and the Reformed Churches. By Ebenezer Dickey, D. D. Philadelphia.

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TOPOGRAPHY.

A Pocket Guide for the Tourist and Traveller, along the Line of the Interior of New York. By Horatio Gates Spafford.

Mr Spafford is well known for his excellent Gazetteer of the State of New York, in which he has shown a prodigious industry and patience of research, in collecting all the most important materials for such a work. It is executed with a degree of minuteness and accuracy very rare, and very difficult to be attained in undertakings of this sort. The contents of the Pocket Guide are well expressed in the title It contains everything important relating to the Erie Canal, measures of distances between the city of New York and Buffalo, by way of Albany, and whatever else may be of particular interest to a traveller in that quarter.

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The work is to be printed in an octavo form, on super royal paper. It is thought that the debates of the shorter session will make a volume of about 500 pages; the price of which to subscribers will be $3; and that of the longer session about twice as much, that is, one large volume of 1000 pages, or two small ones of 500 pages each; and the price to subscribers $5. An appendix will contain a list of the Members of each House, the yeas and nays in each House on questions which have been the subjects of debate, documents, and proper indexes to the whole.

'This undertaking,' say the Editors, 'is not of course intended to substitute or supersede the Reports of Debates for the National Intelligencer, but rather, by withdrawing the heavy and extended Reports from its columns, to enable the Proprietors of that Journal to furnish, every day, in a comprehensive form, intelligible Reports of the Proceedings and Discussions on the day preceding, in both Houses.

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'It is not only, therefore, as a vehicle of present information, but also as a book for future reference—as a National Political Repository and Text-Book, that we hope this work will be both useful and popular.'

This project is so excellent a one, and of such general utility to the country, that it cannot but be hoped the Editors will meet with the fullest encouragement to prosecute the work as they propose.

Carey & Lea are publishing English Common Law Reports, condensed and prepared by Thomas Sergeant and John C. Lowber. Five volumes have been published, viz. 1, 2, 5, 6, 7, and vols. 3, 4, and 8 will shortly be published. The price is $5 a volume in numbers. Orders may be addressed to Philip H. Nicklin, Law Bookseller, Philadelphia.

M. R. Bartlett, of Utica, proposes to publish The Young Ladies' Astronomy, containing a concise System of Physical, Practical, and Descriptive Astronomy, comprised in twentyseven chapters, divived into fiftythree lessons, designed for the use of schools, and particularly for young ladies.

NORTH AMERICAN REVIEW.

No. XLVII.

NEW SERIES, NO. XXII.

APRIL, 1825.

ART. I.—*Redwood, a Tale.* 2 vols. 12mo. pp. 565. New York. Bliss and White. 1824.

THIS is a story of domestic life, the portraiture of what passes by our firesides and in our streets, in the calm of the country, and amidst a prosperous and well ordered community. The writer, who, we understand, is the same lady to whom the public is already indebted for another beautiful little work of a similar character, has not availed herself of the more obvious and abundant sources of interest, which would naturally suggest themselves to the author of a fictitious history, the scene of which should be laid in the United States. She has not gone back to the infancy of our country, to set before us the fearless and hardy men, who made the first lodgment in its vast forests, men in whose characters is to be found the favorite material of the novelist, great virtues mingled with many errors, the strange land to which they had come, and its unknown dangers, and the savage tribes by whom they were surrounded, to whose kindness they owed so much, and from whose enmity they suffered so severely. Nor does the thread of her narrative lead us through those early feuds between the different colonies of North America, who brought with them and kept alive, in their settlements, the animosities of the nations from whom they proceeded, and, in the midst of all their hardships and sufferings, contended about the division of the wilderness, with a fierce-

ness and an obstinacy exasperated by the difference in the characters of those who composed them. Nor has the writer made any use of the incidents of our great national struggle for independence, at once so calamitous and so glorious, the time of splendid virtues and great sufferings, the war which separated friends, and divided families, and revived the half laid spirit of bloodshed in the uncivilised races about us, and called to our shores so many military adventurers to fight under the standard of Britain, and so many generous volunteers in the cause of humanity and liberty to combat under ours. She has passed by all these periods and situations, so tempting to the writer of fictitious history, so pregnant with interest and teeming with adventure, to make a more hazardous experiment of her powers. She has come down to the very days in which we live, to quiet times and familiar manners, and has laid the scene of her narrative in the most ancient and tranquil parts of the country ; presenting us not merely with the picture of what she has imagined, but with the copy of what she has observed.

We have called this a comparatively harzardous experiment, and this, because it seems to us far more difficult to deal successfully with the materials which the author has chosen, than with those which she has neglected. There is a strong love of romance inherent in the human mind. We all remember how our childhood was captivated with stories of sorcerers and giants. We do not, in our riper age, forget with what a fearful and thrilling interest we hung over tales of the interpositions of supernatural beings, of acts of desperate heroism, followed by incredible successes, of impossible dangers, and equally impossible deliverances. And when our maturer judgment has caused us to turn with disgust, from the relation of what is contrary to the known laws of nature, we transfer the same intense attention to narratives that keep within the bounds of possibility. We love to read of imminent perils, and hairbreadth escapes, of adventures in strange lands and among strange races of men, or in times of great public commotion or unusual public calamity. Something of this taste exists in every mind, though variously modified and diversified, and contented with a greater or less degree of verisimilitude, according as the imagination is more or less inflammable. Some preserve a fondness for fictions

almost as wild as those, which amused their earlier years, while others can be pleased only with the recital of what is strictly probable. Some will listen with interest to stories of 'antres vast and deserts idle,' and the adventures of the intrepid voyager who traverses them, while others delight to have their blood curdle at being told of

> The Anthropophagi, and men whose heads
> Do grow beneath their shoulders.

In reading narratives of the romantic kind, our curiosity comes in aid of the author. We are eager to learn the issue of adventures so new to us. The imagination of the reader is also ready with its favorable offices. This faculty, always busiest when we are told of scenes and events out of the range of men's ordinary experience, expatiates at large upon the suggestions of the author, and, as we read, rapidly fills up the outline he gives with bright colors and deep shades of its own. From all these causes it may happen, that by the mere fortunate invention and happy arrangement of striking incidents, a work of fiction shall succeed in gaining the public favor, without any considerable proportion of the higher merits of that kind of writing, without any uncommon beauty of style, or any unusual degree either of pathos or humor, or splendor of imagination, or vivacity of description, or powerful delineation of character.

But with a novel founded on domestic incidents, supposed to happen in our own time and country, the case is different. We have seen the original, and require that there be no false coloring or distortion in the copy. We want to be delighted with the development of traits, that had escaped our observation, or of which, if observed, we had never felt the peculiar significance. It will not do to trust to the imagination of the reader to heighten the interest of such a narrative; if it ever attempts to fill up the sketch given by the writer, it is not often in a way calculated to increase its effect, for it is done with the plain and sober hues, that color the tissue of our own lives. We are too familiar with the sort of life described, we are too well acquainted with the situations in which the characters are placed, we have stood too long in the very relations out of which grows the interest of the narrative, to be much interested by reading about them, unless

they are vividly and strikingly set before us. These are things which have so often moved the heart in their reality, that it refuses to be strongly affected by them in a fictitious narrative, unless they are brought home to it and pressed upon it, with more than ordinary power. They are chords that will not yield their music to the passing wind, they must be touched by the hand of a master. The mere description of ordinary, everyday scenes and events, is too plain a banquet to be relished without some condiment to make it palatable. Readers require not only the exclusion of those tame scenes and incidents, without connexion or consequence, that make up so much of real life, but that the incidents set down be related with pathos, or at least with spirit or humor ; they look for natural and sprightly dialogue, and well drawn characters.

On more than one occasion, we have already given somewhat at large our opinion of the fertility of our country, and its history, in the materials of romance. If our reasonings needed any support from successful examples of that kind of writing, as a single fact is worth a volume of ingenious theorising, we have had the triumph of seeing them confirmed beyond all controversy, by the works of a popular American author, who has shown the literary world into what beautiful creations those materials may be wrought. In like manner, we look upon the specimen before us as a conclusive argument, that the writers of works of fiction, of which the scene is laid in familiar and domestic life, have a rich and varied field before them in the United States. Indeed, the opinion on this subject, which, till lately, prevailed pretty extensively among us, that works of this kind, descriptive of the manners of our countrymen, could not succeed, never seemed to us to rest on a very solid foundation. It was rather a sweeping inference drawn from the fact, that no highly meritorious work of the kind had appeared, and the most satisfactory and comfortable way of accounting for this, was to assert, that no such could be written. But it is not always safe to predict what a writer of genius will make of a given subject. Twenty years ago, what possible conception could an English critic have had of the admirable productions of the author of Waverley, and of the wonderful improvement his example has effected in that kind of com-

position? Had the idea of one of those captivating works, destined to take such strong hold on all minds, been laid before him by the future author, he would probably only have wondered at his vanity.

There is nothing paradoxical in the opinion, which maintains that all civilised countries, we had almost said all countries whatever, furnish matter for copies of real life, embodied in works of fiction, which shall be of lasting and general interest. Wherever there are human nature and society, there are subjects for the novelist. The passions and affections, virtue and vice, are of no country. Everywhere love comes to touch the hearts of the young, and everywhere scorn and jealousy, the obstacles of fortune and the prudence of the aged, are at hand to disturb the course of love. Everywhere there exists the desire of wealth, the love of power, and the wish to be admired, courage braving real dangers, and cowardice shrinking from imaginary ones, friendship and hatred, and all the train of motives and impulses, which affect the minds and influence the conduct of men. They not only exist everywhere, but they exist infinitely diversified and compounded, in various degrees of suppression and restraint, or fostered into unnatural growth and activity, modified by political institutions and laws, by national religions and subdivisions of those religions, by different degrees of refinement and civilisation, of poverty or of abundance, by arbitrary usages handed down from indefinite antiquity, and even by local situation and climate. Nor is there a single one of all these innumerable modifications of human character and human emotion which is not, in some degree, an object of curiosity and interest. Over all the world is human sagacity laying its plans, and chance and the malice of others are thwarting them, and fortune is raising up one man and throwing down another. In none of the places of human habitation are the accesses barred against joy or grief; the kindness of the good carries gladness into families, and the treachery of the false friend brings sorrow and ruin; in all countries are tears shed over the graves of the excellent, the brave, and the beautiful, and the oppressed breathe freer when the oppressor has gone to his account. Everywhere has nature her features of grandeur and of beauty, and these features receive a moral expression from the remembrances of the

past, and the interests of the present. On her face, as on an immense theatre, the passions and pursuits of men are performing the great drama of human existence. At every moment, and in every corner of the world, these mighty and restless agents are perpetually busy, under an infinity of forms and disguises, and the great representation goes on with that majestic continuity and uninterrupted regularity, which mark all the courses of nature. Who then will undertake to say, that the hand of genius may not pencil off a few scenes, acted in our own vast country, and amidst our large population, that shall interest and delight the world?

It is a native writer only that must or can do this. It is he that must show how the infinite diversities of human character are yet further varied, by causes that exist in our own country, exhibit our peculiar modes of thinking and action, and mark the effect of these upon individual fortunes and happiness. A foreigner is manifestly incompetent to the task; his observation would rest only upon the more general and obvious traits of our national character, a thousand delicate shades of manner would escape his notice, many interesting peculiarities would never come to his knowledge, and many more he would misapprehend. It is only on his native soil, that the author of such works can feel himself on safe and firm ground, that he can move confidently and fearlessly, and put forth the whole strength of his powers without risk of failure. His delineations of character and action, if executed with ability, will have a raciness and freshness about them, which will attest their fidelity, the secret charm, which belongs to truth and nature, and with which even the finest genius cannot invest a system of adscititious and imaginary manners. It is this quality, which recommends them powerfully to the sympathy and interest even of those, who are unacquainted with the original from which they are drawn, and makes such pictures from such hands so delightful and captivating to the foreigner. By superadding, to the novelty of the manners described, the interest of a narrative, they create a sort of illusion, which places him in the midst of the country where the action of the piece is going on. He beholds the scenery of a distant land, hears its inhabitants conversing about their own concerns in their own dialect, finds himself in the bosom of its families, is made the depository of their

secrets, and the observer of their fortunes, and becomes an inmate of their firesides without stirring from his own. Thus it is that American novels are eagerly read in Great Britain, and novels descriptive of English and Scottish manners as eagerly read in America.

It has been objected, that the habits of our countrymen are too active and practical; that they are too universally and continually engrossed by the cares and occupations of business to have leisure for that intrigue, those plottings and counterplottings, which are necessary to give a sufficient degree of action and eventfulness to the novel of real life. It is said that we need for this purpose a class of men, whose condition in life places them above the necessity of active exertion, and who are driven to the practice of intrigue, because they have nothing else to do. It remains, however, to be proved that any considerable portion of this ingredient is necessary in the composition of a successful novel. To require that it should be made up of nothing better than the manœuvres of those, whose only employment is to glitter at places of public resort, to follow a perpetual round of amusements, and to form plans to outshine, thwart, and vex each other, is confining the writer to a narrow and most barren circle. It is requiring an undue proportion of heartlessness, selfishness, and vice in his pictures of society. It is compelling him to go out of the wholesome atmosphere of those classes, where the passions and affections have their most salutary and natural play, and employ his observations on that where they are most perverted, sophisticated, and corrupt. But will it be seriously contended, that he can have no other resource but the rivalries and machinations of the idle, the frivolous, and the dissolute, to keep the reader from yawning over his pictures? Will it be urged that no striking and interesting incidents can come to pass without their miserable aid? If our country be not the country of intrigue, it is at least the country of enterprise; and nowhere are the great objects that worthily interest the passions, and call forth the exertions of men, pursued with more devotion and perseverance. The agency of chance too is not confined to the shores of Europe; our countrymen have not attained a sufficient degree of certainty in their calculations to exclude it from ours. It would really seem to us, that these two sources, along with that

proportion of the blessed quality of intrigue, which even the least favorable view of our society will allow us, are abundantly fertile in interesting occurrences, for all the purposes of the novelist. Besides, it should be recollected, that it is not in any case the dull diary of ordinary occupations, or amusements, that forms the groundwork of his plot. On the contrary, it is some event, or at least a series of events, of unusual importance, standing out in strong relief from the rest of the biography of his principal characters, and to which the daily habits of their lives, whatever may be their rank or condition, are only a kind of accompaniment.

But the truth is, that the distinctions of rank, and the amusements of elegant idleness, are but the surface of society, and only so many splendid disguises put upon the reality of things. They are trappings which the writer of real genius, the anatomist of the human heart, strips away when he would exhibit his characters as they are, and engage our interest for them as beings of our own species. He reduces them to the same great level where distinctions of rank are nothing, and difference of character everything. It is here that James First, and Charles Second, and Louis Ninth, and Rob Roy, and Jeanie Deans, and Meg Merrilies are, by the great author of the Waverley novels, made to meet. The monarch must come down from the dim elevation of his throne, he must lay aside the assumed and conventional manners of his station, and unbend and unbosom himself with his confidants, before that illustrious master will condescend to describe him. In the artificial sphere in which the great move, they are only puppets and pageants, but here they are men. A narrative, the scene of which is laid at the magnificent levees of princes, in the drawing rooms of nobles, and the bright assemblies of fashion, may be a very pretty, showy sort of thing, and so may a story of the glittering dances and pranks of fairies. But we soon grow weary of all this, and ask for objects of sympathy and regard, for something, the recollection of which shall dwell on the heart, and to which it will love to recur; for something, in short, which is natural, the uneffaced traits of strength and weakness, of the tender and the comic, all which the pride of rank either removes from observation or obliterates.

If these things have any value, we hesitate not to say, that they are to be found abundantly in the characters of our countrymen, formed as they are under the influence of our free institutions, and shooting into a large and vigorous, though sometimes irregular luxuriance. They exist most abundantly in our more ancient settlements, and amidst the more homogeneous races of our large population, where the causes that produce them have operated longest and with most activity. It is there that the human mind has learned best to enjoy our fortunate and equal institutions, and to profit by them. In the countries of Europe the laws chain men down to the condition in which they were born. This observation, of course, is not equally true of all those countries, but when they are brought into comparison with ours, it is in some degree applicable to them all. Men spring up, and vegetate, and die, without thinking of passing from the sphere in which they find themselves, any more than the plants they cultivate think of removing from the places where they are rooted. It is the tendency of this rigid and melancholy destiny to contract and stint the intellectual faculties, to prevent the development of character, and to make the subjects of it timid, irresolute, and imbecile. With us, on the contrary, where the proudest honors in the state, and the highest deference in society, are set equally before all our citizens, a wholesome and quickening impulse is communicated to all parts of the social system. All are possessed with a spirit of ambition and a love of adventure, an intense competition calls forth and exalts the passions and faculties of men, their characters become strongly defined, their minds acquire a hardihood and activity, which can be gained by no other discipline, and the community, throughout all its conditions, is full of bustle, and change, and action.

Whoever will take the pains to pursue this subject a little into its particulars, will be surprised at the infinite variety of forms of character, which spring up under the institutions of our country. Religion is admitted on all hands to be a mighty agent in moulding the human character; and accordingly, with the perfect allowance and toleration of all religions, we see among us their innumerable and diverse influences upon the manners and temper of our people. Whatever may be his religious opinions, no one is restrained by fear of conse-

quences from avowing them, but is left to nurse his peculiarities of doctrine into what importance he pleases. The Quaker is absolved from submission to the laws in those particulars, which offend his conscience, the Moravian finds no barriers in the way of his work of proselytism and charity, the Roman Catholic is subjected to no penalty for pleasing himself with the magnificent ceremonial of his religion, and the Jew worships unmolested in his synagogue. In many parts of our country we see communities of that strange denomination, the Shakers, distinguished from their neighbors by a garb, a dialect, an architecture, a way of worship, of thinking, and of living, as different, as if they were in fact of a different origin, instead of being collected from the families around them. In other parts we see small neighborhoods of the Seventh Day Baptists, retaining the simplicity of manners and quaintness of language delivered down from their fathers. Here we find the austerities of puritanism preserved to this day, there the rites and doctrines of the Church of England are shown in their effect on the manners of the people, and in yet another part of the country springs up a new and numerous sect, who wash one another's feet, and profess to revive the primitive habits of the apostolic times.

It is in our country also, that these differences of character, which grow naturally out of geographical situation, are least tampered with and repressed by political regulations. The adventurous and roving natives of our seacoasts, and islands, are a different race of men from those who till the interior, and the hardy dwellers of our mountainous districts are not like the inhabitants of the rich plains, that skirt our mighty lakes and rivers. The manners of the northern states are said to be characterised by the keenness and importunity of their climate, and those of the southern to partake of the softness of theirs. In our cities you will see the polished manners of the European capitals, but pass into the more quiet and unvisited parts of the country, and you will find men, whom you might take for the first planters of our colonies. The descendants of the Hollanders have not forgotten the traditions of their fathers, and the legends of Germany are still recited, and the ballads of Scotland still sung, in settlements whose inhabitants derive their origin from those countries. It is hardly possible that the rapid and continual growth and im-

provement of our country, a circumstance wonderfully exciting to the imagination, and altogether unlike anything witnessed in other countries, should not have some influence in forming our national character. At all events, it is a most fertile source of incident. It does for us in a few short years, what, in Europe, is the work of centuries. The hardy and sagacious native of the eastern states, settles himself in the wilderness by the side of the emigrant from the British isles; the pestilence of the marshes is braved and overcome; the bear, and wolf, and catamount are chased from their haunts; and then you see cornfields, and roads, and towns springing up as if by enchantment. In the mean time pleasant Indian villages, situated on the skirts of their hunting grounds, with their beautiful green plats for dances and martial exercises, are taken into the bosom of our extending population, while new states are settled and cities founded far beyond them. Thus a great deal of history is crowded into a brief space. Each little hamlet, in a few seasons, has more events and changes to tell of, than a European village can furnish in a course of ages.

But, if the writer of fictitious history does not find all the variety he wishes in the various kinds of our population, descended, in different parts of our country, from ancestors of different nations, and yet preserving innumerable and indubitable tokens of their origin, if the freedom with which every man is suffered to take his own way, in all things not affecting the peace and good order of society, does not furnish him with a sufficient diversity of characters, employments, and modes of life, he has yet other resources. He may bring into his plots men, whose characters and manners were formed by the institutions and modes of society in the nations beyond the Atlantic, and he may describe them faithfully, as things which he has observed and studied. If he is not satisfied with indigenous virtue, he may take for the model of his characters men of whom the old world is not worthy, and whom it has cast out from its bosom. If domestic villany be not dark enough for his pictures, here are fugitives from the justice of Europe come to prowl in America. If the coxcombs of our own country are not sufficiently exquisite, affected, and absurd, here are plenty of silken fops from the capitals of foreign kingdoms. If he finds himself in need of a class of men

more stupid and degraded, than are to be found among the natives of the United States, here are crowds of the wretched peasantry of Great Britain and Germany, flying for refuge from intolerable suffering, in every vessel that comes to our shores. Hither also resort numbers of that order of men who, in foreign countries, are called the middling class, the most valuable part of the communities they leave, to enjoy a moderate affluence, where the abuses and exactions of a distempered system of government cannot reach them, to degrade them to the condition of the peasantry. Our country is the asylum of the persecuted preachers of new religions, and the teachers of political doctrines, which Europe will not endure; a sanctuary for dethroned princes, and the consorts of slain emperors. When we consider all these innumerable differences of character, native and foreign, this infinite variety of pursuits and objects, this endless diversity and change of fortunes, and behold them gathered and grouped into one vast assemblage in our own country, we shall feel little pride in the sagacity or the skill of that native author, who asks for a richer or wider field of observation.

The author of Redwood seems to be well aware of the extent and value of these resources, and has availed herself of them as amply as suited the purpose of her work. Her delineations of character are generally striking and happy, and the national peculiarities are hit off with great dexterity and effect, though perhaps, in some instances, they are brought out a little too broadly. There is, however, very little overcharging and exaggeration; the actors in the plot do not come upon the scene in their stage dresses, ready, on every occasion that offers, as in duty bound, to display, resolutely, and with all their might, the supposed peculiarities of the personages they represent, but they are made to look and act like people in the world about us. The characters are not only thus chastely drawn, but they are varied with exceeding art and judgment, and this variety is, for the most part, founded on essential differences. It is not with this, as with some works of the kind, which have fallen in our way, where the parts, which the several personages are made to take in the action, have little connexion with their supposed manners and dispositions, but any part will fit any character, and any character will fit any part, and, bating a few peculiarities in the

dialogue, they may be transposed at pleasure without injury to the work, like the words in the famous sentence with which Mons. Jourdain, in the Bourgeois Gentilhomme, exercises the ingenuity of his instructer in philosophy. Here, on the contrary, they are made to have a complete and necessary dependence on each other, so complete, that the least change would produce manifest distortion and incongruity. We have some fault to find with the general plan of the story, of which we shall speak by and by, but the subordinate incidents are invented and managed with great ingenuity and felicity, and a gentle, and sustained, and gradually increasing interest, never growing violent, and never suffered to become feeble, is kept up from the beginning to the end of the work. Parts are written with deep pathos; others display no inconsiderable share of comic power. There is much beautiful and striking description, but it is never so drawn out as to be tiresome, nor introduced so as to interrupt the interest of the story. It is evident, that the author has formed to herself an exalted and severe standard of virtue and morals, but this does not prevent great indulgence to human error, and compassion for human infirmity, and the utmost good nature and allowance to those, whose speculations on abstract subjects have led them to different results from her own. The qualities we have enumerated are all delightfully chastened and regulated, by great good sense and sober practical wisdom, and the whole is given us through the medium of a style perspicuous and elegant.

A minute examination of the work will show the grounds upon which our commendations are founded, as well as the particulars to which we mean to object; for if in our capacity of true critics, we should not be able to find something to blame in a work of nearly six hundred fair duodecimo pages, ''twere pity of our lives.'

Henry Redwood, a native of Virginia, with a mind naturally turned to beneficence and virtue, becomes acquainted in early life with an unprincipled man of the name of Alsop, who succeeds in convincing him that religion is a cheat and virtue a name. The purity and refinement of his taste, however, preserve him from the gross and profligate pleasures of the companions, with whom his intimacy with Alsop associated him. Redwood had been destined by his father to be the

husband of Maria Manning, a rich cousin of his residing in the state of South Carolina. He, however, with the usual deference of young men to the arrangements of parents in such cases, becomes enamored of Mary Erwine, a young, beautiful, religious and susceptible female, who, in the excess of her affection and confidence, consents to become his wife by a secret marriage. Not long after taking this prudent step, he is solicited by Alsop to accompany him on a tour to Europe. He applies to his father for his permission, and receives it on condition that he will claim the hand of his fair cousin immediately upon his return. On embarking for Europe he leaves behind him a packet for his wife, containing a brief note bidding her farewell, and apologising in the best manner he could for his departure, together with his correspondence with Alsop, which, in his haste, he had sent her by mistake instead of certain tender letters from Maria Manning, of which he had promised her the perusal. In this correspondence were frequent and direct allusions to his atheism and contempt of the ordinary notions of morality, some expressions of regret for the indiscreet connexion he had formed with her, and a mention of the condition on which he had received his father's consent to his foreign tour. The packet is too faithfully delivered, and she becomes heart broken at the disclosures it contains. In the meantime Redwood visits Paris.

'While he remained in the French capital, there was no suspension of excitement, not an hour for reflection, scarcely a solitary moment for the impertinent whispering of conscience. His wife, the young and innocent creature who had surrendered to him the whole treasure of her affections, abandoned, solitary, sick, and heart broken, was scarce remembered, or if remembered, was always associated with the dark cloud with which she had shaded his future fortunes. But after he had left Paris, in the further prosecution of his travels, there were times in which she was remembered; the powers of conscience, spell bound by the noise and glare of society, were awakened by the eloquent voice of the Divinity issuing from the eloquent places of nature. The pure streams, the placid lakes, the green hills, and the "fixed mountains looking tranquillity," seemed to reproach him with his desertion of nature's fairer work; for all the works of nature are linked together by an invisible, "electric chain." Redwood hurried from place to place; he tried the power of novelty, of activity; he gazed on those ob-

jects that have been the marvel and the delight of the world; and when the first excitement was over, he felt that he could not resist the great moral law, that has indissolubly joined virtue and happiness. On his arrival at Rome he found letters awaiting him there.' vol. i. p. 71, 72.

One of these letters is from the clergyman by whom he was married to Mary Erwine, enclosing a few lines from his wife. They are brief and cold, they intimate that she had forgiven him, but had withdrawn the passionate love she bore him, and inform him that she had gone to die in a retreat, which no endeavors of his would ever be able to discover. Soon after, Redwood returns to his native country, haunted by a remorse that makes him wretched for life. Quite indifferent to his domestic fate, he is easily prevailed upon by his friends to solicit the hand of the rich and beautiful Miss Manning, and she, after glittering a few years as his wife in the circles of fashion, dies, leaving an only child, Caroline Redwood, whom she consigns on her death bed to the care of her mother, residing in Charleston. At the age of eighteen Caroline returns to her father in Virginia, a spoiled beauty, her natural talents and dispositions perverted by a bad education received from a foolish and doating grandmother, excessively vain of her charms and immense fortune, and with no other accomplishments than music, dancing, and French. In a tour through the northern states with this daughter, Mr Redwood meets with an accident, by which his carriage is overturned, and his arm broken, and he is confined for some weeks in the house of Mr Lenox, a hearty, hospitable, question asking yeoman of Vermont. At this period the action of the novel commences. We do not intend to make an abstract of the whole story in this manner; those who have seen the original will not care to read any abridgment of ours, and those who have not will be more obliged to us for referring them to the work itself. We have gone thus far only in order to make ourselves understood in the further consideration of the work.

At the house of Mr Lenox we are introduced to the master of the family, whom we have already mentioned; to Mrs Lenox, a shrewd, reasonable, intelligent matron, but not very deeply instructed in the refinements and delicacies of feeling; to Miss Deborah Lenox, or, as she is familiarly called, Debby,

who by the way is a great favorite of ours, an ancient maiden of Amazonian stature, and a very strikingly drawn and original character; and finally to the heroine of the story, Ellen Bruce, a beautiful vision of feminine sweetness, loveliness, and rectitude of heart and understanding. In the same house in which Mr Redwood was confined, there lay, on the night after his disaster, the corpse of Edward Allen, a young man who had died of a broken heart; and his grandmother, Mrs Allen, was performing the customary duty of watching with the dead. We pass over the pathetic scene between the aged woman and a young girl, the object of Edward's youthful affections, who in the darkness had stolen in to weep over his corpse. Another set of visiters now arrive.

'Ellen opened the outer door for the two females, who entered, dressed in the Shaker uniform, only remarkable for its severe simplicity and elaborate neatness. Both wore striped blue and white cotton gowns, with square muslin handkerchiefs, pinned formally over the bosom, their hair combed back, and covered with muslin caps with straight borders, and white as the driven snow. Susan, the elder, was between forty and fifty years of age; she was tall and erect; and though rather slender in proportion to her height, well formed. There was an expression of command in all her movements that seemed natural to her, and sat gracefully upon her. Her face had the same character of habitual independence and native dignity; the hues of youth had faded, but a connoisseur would have pronounced her at a single glance to have been handsome. Her features were large, and all finely formed; her eye, there, where the "spirit has its throne of light," beamed with intelligence and tenderness. It was softened by a rich dark eye lash, and of that equivocal hue, between grey and hazel, which seems best adapted to show every change of feeling; but vain is this description of color and shape. It was the expression of strong and rebuked passions, of tender and repressed affections, of disciplined serenity, and a soft melancholy, that seemed like the shadow of past sufferings, which altogether constituted the power and interest of her remarkable face.

'The younger female was short and slightly formed. Her features were small; her blue eyes, light hair, and fair complexion, would have rendered her face insipid, but that it was rescued by an expression of purity and innocence, and a certain appealing tender look that suited well her quiet and amiable character.

'As they entered, Ellen threw her arms around the younger sister, exclaiming in a tone of the tenderest concern, "dear Emily, why did you not come sooner?" Emily trembled like an aspen

leaf, and her heart beat as if it would have leaped from her bosom, but she made no reply. The elder sister grasped Ellen's hand, "Is it even so?" she said; she rightly interpreted Ellen's silence and sadness; "I foresaw," she continued, "that our coming would be worse than in vain;" then turning to her young companion, she said, "put thy hand on thy mouth, and be still, my child. The Mighty One hath done it, strive not against him, for he giveth not account of any of his matters."

'A loud groan was heard in the apartment of the dead. Susan Allen started, and exclaimed, "is my mother here? then, mother Anne be with me!" She paused for a moment, and added in a calm tone, "fear not, Emily, my child, in your weakness strength shall be made perfect; we shall not be left without the testimony." Her words were quick, and her voice raised, as if she felt that she was contending against rebellious nature. She entered the room with a slow and firm step. Emily followed her, but it seemed, not without faltering, for Ellen had passed her arm around her, and appeared to sustain half her weight. Her face was as pale as marble, and as still.

'"Pray speak to them Mrs Allen," whispered Ellen; "yes, speak to them," said Debby, in a voice of authority, "what signifies it, they are your own children and there is no denying it."

'"They were my children, but they have gone out from me, and are not of me" replied the old woman, in a voice scarcely audible. "I am alone; they are uprooted; I am as an old oak, whose leaf has withered; judgment has come out against me."

'"She is going clean distracted," whispered Debby to Ellen, "you can do anything with her; make her hear to reason, while she has any left, and get her to go out of the room with you."

'"No, no," said the old woman, who had overheard Debby's whisper, "have no fear for me, my spirits are a little fluttered, and my soul is in travail for these wanderers to get them back to my rest, and under my wing; but the Lord's own peace is in my heart, and none can trouble that. Oh," she continued, bursting into tears, as she turned her eyes from Emily to fix them on Susan, "was it not enough that you were led captive by Satan, enough for you to put on his livery, but you must tempt this child to follow you in your idolatries?" Strong sensibility is, perhaps, never extinguished; but Susan's was so subdued, that obedient to the motion of her will, it had soon returned to flow in its customary channels. She replied to her mother's appeal in her usual deliberate manner. "The child is not my captive, mother, she has obeyed the gospel, and," added she, looking at Emily with affectionate complacency, "she has already travelled very far out of an evil nature, and the believers are looking to see her stand in the foremost light, so clear

is the testimony of her life against all sin." Susan had an habitual influence over Emily; she felt that she commanded the springs that governed the mind of her timid disciple. Emily felt it too, and was glad to be saved from the effort of self-dependence. She approached Susan, who had seated herself by the bedside, when her grandmother took her by the hand, and drawing her towards her, she said in a voice scarcely audible, for sorrow, infirmity, and despair almost deprived her of utterance; "Oh, Emily, my child, my only child, has she bewitched you?" She drew the unresisting girl towards the bed of her brother,—"there, look on him, Emily, though dead he yet speaketh to you, and if nature is not quite dead in you, you will hear him, he calls to you to break to pieces your idols, and to come out from the abominations of the land whither ye have been carried away captive." Emily sighed heavily, and wept, but said nothing. Susan moved to the other side of her, and seeming to lose the spirit of controversy in some gentle remembrance, she said, "Edward was a good youth, and lived up to the light he had. There is one point where all roads meet; one thing certain, mother," she added, an intelligent smile brightening her fine face, "we shall all be judged according to the light we have; some have a small, and some a great privilege."

'"She has hit the nail on the head for once," whispered Debby to Ellen, "and now, Ellen, before they get into another snarl, do separate them."' vol. i. pp. 89—93.

Ellen interposes her mild exhortations, and has just succeeded in bringing the mother and daughter to regard each other with returning complacency and affection, when—

'The outer door again opened, and Reuben Harrington, that one of "the brethren," whom Debby had characterised as the "master devil," entered. He seemed to have arrived at that age, which the poet has characterised as the period of self indulgence; and certainly he bore no marks of having disobeyed the instincts of nature by any mortifications of the flesh. He was of a middling stature, inclining to corpulency; with a sanguine complexion, a low forehead, deeply shaded with bushy black hair, that absolutely refused to conform to the sleekness of his order; a keen grey eye, which had a peculiarly cunning expression, from a trick he had early acquired, and of which he could never rid himself, of tipping a knowing wink; a short thick nose turning upward; a wide mouth with the corners sanctimoniously drawn down, and a prominent fat chin following the direction of his nose. In short, he presented a combination and a form to awaken the suspicions of the most credulous, and confirm the strongest prejudices against a fraternity, that would advance such a brother to its highest honors—or, to use their own

phrase, to the dead. Reuben advanced to the bedside quite unceremoniously, and seemed to survey the dead and the living with as much indifference as if he did not belong to their species. No one spoke to him, nor did he speak, till his attention was arrested by poor Anne, who had shrunk away from the side of the bed, and sat on a low chair at its foot, enveloped in her shawl, and sobbing aloud apparently unconscious that any one saw or heard her. "Who is that young woman," inquired Harrington of Debby, "that is making such an unseemly ado, is she of kin to the youth?"

'"No!" uttered in her harshest voice, was all the reply Debby vouchsafed.

'"Some tie of a carnal nature, ha?" pursued Harrington. "No such thing," said Debby, "Eddy was her sweetheart."

'"Yea, yea, that is just what I meant, woman." "Well," continued he, with a long drawn guttural groan, "the children of this world must bake as they have brewed, they are in the transgression, and they must drink the bitter draught their own folly has mixed." After this consolatory harangue, he turned from the bedside, and began, not humming but shouting with the utmost power of his voice, a Shaker tune, at all times sufficiently dissonant, and that now, in this apartment of death and sorrow, sounded like the howl of an infernal; to this music he shuffled and whirled in the manner, which his sect call dancing and labor worship.

'"Stop your dumb pow-wow!" cried Debby, seizing him by the arm, with a force that might have made a stouter heart than Reuben's rejoice in the protection of the convenient principle of non-resistance.

'"Nay, ye world's woman, let me alone," said he, extricating himself from her grasp, and composing his neckcloth, which Deborah's rough handling had somewhat ruffled; "know me for a peaceable man, that wars not with earthly powers."

'"True," replied Debby, "your war is with heavenly powers; but while the Lord is pleased to spare the strength of my right arm, I'll keep you peaceable. Peaceable, indeed! one would have thought all Bedlam had been let loose upon us—peaceable! your yells almost scared the old lady's soul out of her body."

'Poor Mrs Allen, to whom Reuben's singing had sounded like a shout of victory from the infernal host, now really seemed in danger of such a catastrophe. She could scarcely raise her heavy eyelids, and the low moaning sounds that escaped her, betrayed the infirmity of age, and the grief that words cannot express. Ellen renewed her entreaties that she would retire to her own room. No longer capable of resistance, she silently acquiesced, and Ellen conducted her to her bed, and watched over her, till she perceived that her wearied nature had sunk to repose.' vol. i. pp. 94—97.

The funeral of Edward Allen, which immediately follows, is a copy from the life, given with a graphic fidelity. We have, however, no room for it, nor for any extracts from the retrospect, which is taken of the early history of Ellen Bruce. She had resided, it seems, from a very tender age, alternately in the families of an episcopal tory, and of a calvinistic republican, both of whom had taken a strong affection to this interesting orphan. The lady of the former, a highly educated female, undertook the cultivation of her mind, and the polish of her manners; while the wife of the latter, a plain, sensible, benevolent woman, initiated her into household arts and domestic duties, and under their mutual and well bestowed instructions she had grown up, accomplished, refined, single hearted, affectionate, beneficent, and religious, in the true spirit of our religion, without bigotry. All this is very well imagined and delightfully told. We must also pass over an excellent colloquy between Mrs Lenox and Ellen, in which the former, with all her sagacity, is unable to comprehend why Ellen should be unwilling to encourage the addresses of her son, George Lenox, a pious minister, a man of education and talents, a good son, and who was certain to make a good husband.

By and by comes Charles Westall from Virginia, the son of an old friend of Mrs Redwood, a very good, genteel, well educated young man, with nothing peculiar about him, except that he has just completed his professional education, and is ready for a wife. He was accompanied by Mrs Westall, his mother, a polite and affable lady, with a strong spice of worldliness in her composition, and willing to manœuvre a little for the sake of seeing her son well settled in life. Westall is struck with the resplendent beauty of Caroline, and she in her turn is delighted and flattered by his admiration. She soon, however, begins to observe that Westall has eyes for other qualities besides beauty and wealth, and has become somewhat interested by the unpretending goodness and worth of Ellen. The attempts of Caroline to make Westall regard her supposed rival in an unfavorable light, the malignant misinterpretations put by her upon Ellen's conduct, and the beautiful and well contrived incidents by which these attempts are rendered unavailing, and these misinterpretations exposed, and the prepossessions of Westall, wrought up into

a passionate attachment for Ellen, furnish many interesting and some highly pathetic scenes. Indeed, nothing can be better than the whole management of the story, during the stay of the Redwoods at the house of Mrs Lenox.

The scene now shifts to Lebanon Springs and their neighborhood. The episode of Emily, and her adventures among the Shakers, forms a very interesting part of the book. There is great power shown in the chapter, where Susan, the 'elder sister,' in order to fix the wavering faith of her young disciple, Emily, and reclaim a heart, that was relapsing to the world, gives an account of her own conversation, and of the long, and fierce, and exhausting conflict, which her enthusiasm maintained against her affections, till, at length, the strong ties which bound her to the world were broken forever. We can give only the conclusion of her narrative. She is speaking of William Harwood, 'a pleasant lad,' of whom she tells Emily 'we have been mates from our infancy, and had loved one another (loving no one else) with that faith, which is the boast of the world's people.'

'"He fell into a weakly way, and then he took to ruinous habits. His poor old parents died, I fear, of a wounded spirit; for they laid his misfortune sadly to heart. After their death, his worldly affairs went fast to destruction, and he became a miserable vagrant. He would come here and sit for hours on the door step; at these times I kept to my room, for I could do nothing for him; and if he chanced to see me in his fits of intoxication, he would either upbraid me bitterly, or cry like a child, and both were trying to me.

'"It is ten years ago the tenth day of last January—it had stormed for three days, and the roads were blocked with the drifted snows—and it had been a cruel cold night—and in the morning, a sabbath morning too, when we had risen and kindled a fire, one of the brethren opened the outer door, and there was lying a poor wretch across the door stone—frozen to death—we all gathered round him—and oh Emily, child, it was—

'"William?"

'"Yea—yea—it was William himself."

'"Oh misery, misery!" exclaimed Emily with a burst of sympathy, which she could not repress.

'"Yea, it was misery. I forgot myself—forgot all that stood about me. I saw not his tattered dirty garments, nor his bloated face, but I saw him as in the days of our youth and our love, and I fell on his neck and wept—I could not help it—but thanks be

rendered," she added, raising her eyes, "it was the last struggle of nature—and it has been forgiven."

'"And have you suffered thus?" asked Emily, after a moment's pause.

'"Do not so speak, child," replied Susan, "rather be grateful that I have been accounted worthy thus to suffer?"' vol. ii. pp. 33, 34.

We are not, however, so well satisfied with the circumstances of Emily's escape from the thraldom in which she is held among this strange community. The adventures connected with the Indian and his cabin are too extraordinary and romantic, to harmonise well with the general strain of the narrative.

The least interesting part of the book is that, where we are introduced to the Armstead party, whom Debby and Ellen fall in with on their way to the Shaker village. There is a great deal of conversation here, that does not help forward the progress of the story, and of consequence the interest suffers. There is something, also, not altogether prepossessing in the first appearance of Grace Campbell, with whose character the author has evidently taken great pains. Something like pertness and flippancy, not to say rudeness, is detected in her sallies and repartees in the scene, where we are first made acquainted with her; but all this is more than compensated for, by her spirit, frankness, and warmth of heart, as they are brought out in the further progress of the narrative. Miss Deborah Lenox, however, acquits herself on this, as on all other occasions, to our entire satisfaction.

At last the principal personages in the story are brought together at Lebanon Springs. Here the plot thickens and draws to a conclusion, and the narrative acquires a more fervid interest. Our friend Debby figures here also, to the no small amusement of the good company assembled at the place, as well as of ourselves. Her mixture of intelligence and simplicity, of good nature and decision, of masculine habits with those of her sex, of strong feelings and attachments, with a strong understanding, and great warmth of imagination, at times highly poetical, but never leading her astray, and only throwing a stronger light on the object her unfailing good sense points out, altogether form a striking and novel combination. She has much to do in the course of the plot, and we are always glad to observe her agency. If

any should be found who are of opinion, that she sometimes talks a little too long, none, we imagine, will think that she talks too often. On an arrangement made by Ellen, to proceed in the carriage of Mrs Armstead to Mrs Harrison's in Massachusetts, Debby is consulted, and acquiesces.

'"Not but what I am loth to part with you, Ellen" she said, "for the Lord knows," and she brushed a tear from the corner of her eye, "nobody ever wanted to leave you yet; but then there is reason in all things; you have taken a long journey, all for those that 's neither kith nor kin to you, and now that you are happy among your mates, it is but fair you should have a play spell; besides, it would be rather tough for our poor old horse to draw us all over the hills, and he should be considered too; to be sure, I calculated to walk up the hills, but then I have come to that time of life when I had rather ride than walk; so all is for the best."' vol. ii. pp. 175, 176.

At parting she draws Ellen aside.

'"Look here," she said, undrawing a bag, and discovering one corner of a pacquet, "here is the identical money you refused to receive from Mr Redwood; he sent it to me last night for a marriage portion for Emily; it is true, child—God bless him—it is true—he has given it, and I have taken it with a thankful heart and a prayer, (as in duty bound,) that the Lord would return it to him a hundred fold, in something better than silver and gold. I shall keep the present a secret till Emily's wedding day, which I 'm sure is not far off, and, Ellen," she added after a moment's pause, "I 'm thinking that another wedding day is coming among our friends. Now what do you look down for? If there 's any body in the land might hold up their heads with a good grace it 's you; for to my notion there is not a nobler man in the 'varsal world, view him in what light you will, than this same Charles Westall."

'"Deborah," interrupted Ellen, "I am not"——

'"Engaged—I know that"——

'"Ma'am, your chaise is ready," said the servant.

'"Coming in a minute. I know how it stands, Ellen, pretty nearly; for last night, when I got this pacquet from Mr Redwood, my heart was so full, I thought I could not sleep till I had told you. I looked in your room—you was not there; I came on to the piazza—you and Mr Charles Westall were standing by the door yonder; while I was hesitating whether to go back without interrupting you, I heard a few words, just enough to give me a little insight into the business. I thought it fair to tell you; and besides, I wanted to charge you not to be notional; for a girl of your sense, Ellen, you are apt to be a little notional, which is not your fault,

but comes of your living with Mrs Harrison, and reading too many verses, which are apt to make girls dreamy."

'"Miss Debby," cried Emily, "everything is ready, and the sun is rising."

'"Coming, child, coming. One word more, Ellen"—and here Deborah paused, for the first time in her life, at a loss how to express herself. She drummed with the butt end of her whip on the railing, made figures with the lash on the floor, knit her brow, bit her lips, but did not speak till spurred by a second call from Emily; and then the tears gushed from the good creature's eyes as she said, "Ellen you are rich in nothing but the grace of God; the best riches I know; but then there 's neither quails nor manna now a days, and one must look a little to the needful. When my father died, (a thrifty prudent man,) he left me fifty pounds lawful. It has been in good hands, and has run up to between two and three hundred. I have enough for myself besides, Ellen, laid up for a wet day, so that is all to be yours. Now don't speak, but hearken to me—besides the money, I have a nice store of table linen for you, and some coverlets and feather beds."

'"Oh Deborah, Deborah,"——

'"Say nothing child—I can't bear it. I won't be gainsayed. Good bye, Ellen, the Lord bless you, child, and all that care for you"—and she strided across the piazza without giving Ellen time to open her lips.' vol. ii. pp. 186, 187.

Finally comes the unraveling of the plot. And here, again, we must frankly say, that there is a want of perfect verisimilitude in the means by which the catastrophe is brought about. There is something a little too strange, for a story of real life, in the obscurity that hangs about Ellen's birth, and in the mysterious box containing the miniature of her father and the solemn epistle from her mother, which Ellen is under a strict charge not to open until a certain age, or until she had formed a matrimonial connexion. These things remind us too strongly of the machinery of romances. It is not a little extraordinary also, that Ellen's father should travel from a distant province to the very spot where his daughter was, and should there meet with an accident, by which he was confined for weeks as a patient in the very house where Ellen resided, that the matrimonial connexion, which left her at liberty to explore the mysterious tokens of her birth should be formed during his stay in the northern states, and before he had parted from her society, and that it should be formed with the very man whom, of all others, he most desired to

call his son in law. But we ought not perhaps to criticise too sternly these expedients for helping out the plot of a novel. The many dispensations granted to the tribe of poets, to overleap certain settled rules, grew long ago into a body of established and unquestionable privileges under the name of *licentia poetica*. The right of novelists to bring about their catastrophes by extraordinary means, has, we fear, in like manner, been too long and too universally enjoyed to be taken from them at this day. Even the rational, sober, practical, and authentic Miss Edgeworth has not disdained to employ them. In her *Ennui*, for example, the Earl of Glenthorn suddenly finds himself a mere private man, the son of a bog trotting blacksmith, and after he has undergone a complete renovation of character, and has made an excellent lawyer of himself, as suddenly regains his title, and all this is effected by much stranger means than are resorted to by the author of the work before us, to make Ellen Bruce the daughter of Mr Redwood. As for the Waverley novels, the author of which nobody ever thought of taxing with poverty of invention, they abound with licenses of this sort. After all, the plot of a novel is little more than a convenient contrivance to introduce interesting situations and incidents, well drawn characters and fine sketches from life and nature. If we have all these, why need we complain of the manner in which they are connected, unless that manner be such as essentially to impair their effect? If the picture be beautiful, why should we turn our eyes from it, to find fault with the frame in which it is enclosed?

The work closes with a characteristic letter from Deborah Lenox, of which we can afford only the following specimen.

'Little Peggy came here this morning, with a basket of new fashioned early beans, a present from Deacon Martin to me; the deacon and I have had a strife, which should have the first beans, and he has won the race; and, by the way, I do not believe you have heard about the deacon's marriage, which has made quite a stirring time here at Eton. You must know that a few weeks after the deacon lost his wife, he felt so lonesome without a companion, that he came to sister Lenox to recommend a suitable one, and she directly spoke a good word for Peggy's aunt Betty, who is, as it were, alone in the world, and though a poor body, she comes of a creditable stock in the old countries; and what is more to the pur-

pose, her walk and conversation among us has been as good as a preached sermon—that is to say a moral discourse. Well, the deacon was quite taken with the notion, for Betty is a comely woman to look to yet, though well nigh on to fifty, and he went directly to lay the matter before some of the church members, and they made strong objections to the match, on account of Betty's so often breaking the third commandment, which comes, I suppose, from her being brought up in Old England, where they are by no means so particular about teaching the youth their chatechise as with us. The deacon, however, had set his face as a flint, and there were consultations about it, till at last two of the brethren agreed to go and talk to Betty on the subject, and make her promise that she would put a tight rein on her tongue.

'Betty promised everything they asked; but you know when a body always goes in the same track, it makes a deep rut, and it is next to an impossibility to turn out of it; and so, while Betty was talking with them, every other sentence was, "God help us, gentlemen," and "God bless your souls, I'll do my best," and so on; and they came away more dead set against the match than ever. But Martin went on in spite of them, and married her; and except in the matter of the third commandment, there is not a more exemplary deacon's wife in the state than Betty makes.' vol. ii. pp. 284, 285.

The moral of Redwood, as intimated in the preface, is properly a religious one. We had some apprehensions on seeing this intimation, that the moral would be too anxiously and obtrusively brought forward, and pressed with a wearisome frequency and perseverance. The writer of a novel, the design of which is professedly to instruct, is always in danger of falling into this error. He is himself so full of the importance of the lesson he inculcates, that he is apt to suppose that it cannot be too often nor too earnestly repeated, nor enforced by too much argument and amplification, nor illustrated by too many or too obvious examples. We must say, however, that we see few if any traces of this fault in Redwood. The moral is well wrought into the texture of the work, but never officiously presented. It is not enough to say of this novel, that the reader is relieved and refreshed at due intervals, by being let out from the instructions of the author into the great world about him, to amuse himself with what is going on there; and is then gently recalled to the lesson, which the author wishes to teach. It is doing it better justice to say, that the world itself is only then made to

the reader, what it ought always to be, the great school and place of discipline, the experience and observation of which should form us to virtue.

We have already spoken of the author's skill in the drawing of characters. Next to the character of Debby, that of Susan is sketched with the greatest spirit and originality. Either of these would of itself suffice to give a reputation to the work. All the others, even the subordinate ones, give ample proofs of a fertile invention, and a wide and close observation. The very persons who seem, at first sight, to be brought forward only for the purpose of exhibiting our national manners, or who are casually introduced, in some single incident of the plot, are, for the most part, distinguished from each other by some striking peculiarity. The Vermont Yeoman, Mr Lenox, and even the Shaker gardener, though but just seen in the course of the narrative, leave a strong individual impression on the mind of the reader, an impression that bears witness to the abundance and variety of the author's resources. The style of the work in that most difficult part, the dialogue, is exceedingly natural, spirited, and appropriate. That of the narrative parts, however, though always flowing and often eloquent, is not in all places equal to that of the dialogue. It may be suggested to the author, whether the anxiety always to express herself pointedly and brilliantly has not, in some instances, taken from the sincerity of her manner, and thus diminished the force and depth of the impression intended to be made. We have also noted some deviations from purity of language, which have doubtless been the more striking in a work written with such apparent care.

The peculiarities in the manners and character of our countrymen, have too long been connected with ideas merely low and ludicrous. We complain of our English neighbors for holding them up as objects simply ridiculous and laughable, but it is by no means certain that we have not encouraged them by our example. It is time, however, that they were redeemed from these gross and degrading associations. It is time that they should be mentioned, as they deserve to be, with something else than a sneer, and that a feeling of respect should mingle with the smile they occasion. We are happy to see the author of this work connecting them, as we

find them connected in real life, with much that is ennobling and elevated, with traits of sagacity, benevolence, moral courage and magnanimity. These are qualities, which by no means impair any comic effect those peculiarities may have; they rather relieve and heighten it. They transform it from mere buffoonery to the finest humor. When this is done, something is done to exalt our national reputation abroad, and to improve our national character at home. It is also a sort of public benefit, to show what copious and valuable materials the private lives and daily habits of our countrymen offer to the writer of genius. It is as if one were to discover to us rich ores and gems lying in the common earth about us. But our readers must by this time be weary of our comments, and we dismiss them, with pleasure, to the perusal of the work itself.

ART. II.—*Reminiscences of Charles Butler, Esq. of Lincoln's Inn; with a Letter to a Lady on Ancient and Modern Music.* From the Fourth London Edition. 12mo. pp. 351. New York. Bliss and White.

To those who would gather knowledge without much expense of thought, or labor of study, better pleased to loiter in the smooth places of literature, than toil up its rugged ascents in search of its higher trophies; and to those who would relax their severer studies with an agreeable variety of literary anecdote, traits in the character of distinguished men, and curious historical facts; to all such persons, these remembrances of a veteran scholar, and amiable man, may be highly recommended. The author has long been known, as a writer and a lawyer of considerable eminence, and it is the purpose of this work, which he insinuates may be his last, to comprise such scattered thoughts as had occurred to him in the course of his studies, relate some of the incidents in his own life connected with his literary pursuits, and to add notices of all his previous publications. These ends he has attained in such a manner, as to mingle amusement with the instruction he communicates, and to win the reader not more by the variety and interest of his topics, than by the ease and

simplicity of his style, and the fair, candid, temperate, and liberal views, which mark the operations of his mind. As a scholar, or man of learning, his works abundantly testify that few have ranged so widely in the fields of human knowledge, or returned laden with stores so rich and abundant, notwithstanding his intense devotedness to a very absorbing and laborious profession. The following short notice of himself affords a key, by which the mystery of his great attainments is easily unlocked.

'Very early rising,—a systematic division of his time,—abstinence from all company and from all diversions not likely to amuse him highly,—from reading, writing, or even thinking on modern party politics,—and, above all,—never permitting a bit or scrap of time to be unemployed,—have supplied him with an abundance of literary hours. His literary acquisitions are principally owing to the rigid observance of four rules;—to direct his attention to one literary object only at a time; to read the best book upon it, consulting others as little as possible;—where the subject was contentious, to read the best book on each side;—to find out men of information, and, in their society, to listen, not to talk.' p. 23.

A life of fifty years thus employed could not fail to accomplish things, which might at first seem incredible. No virtue is more rare than economy in the division and use of time, and in the few instances where this has been rigidly practised, the world has seen prodigies of attainment. Seneca tells of the vigilance with which he seized on every moment of time as it passed; not a day at its close could reproach him with idleness, and his studies were drawn out to a late hour of the night. In one of his beautiful Epistles he says; *Nullus mihi per otium dies exit; partes noctium studiis vindico; non vaco somno, sed succumbo, et occulos vigilia fatigatos, cadentesque, in opere detineo.* Sir William Jones is a remarkable example in point; with talents of a high order, it is true, but more especially by an industry that never tired, and a methodical appropriation of every moment of his time to some definite purpose, he made acquisitions in the midst of a busy life that astonish the mind, accustomed to observe only the ordinary results of intellectual labor. His aims were always fixed high, and he seldom fell below them; the vast schemes, which he did not live to mature, were not without their use in carrying his mind upward,

and giving it the excitement of a lofty motive. It cannot be denied, that there is sometimes danger to be apprehended from this very propensity for grasping so much. By indulging in so wide a range, the mind necessarily acquires a habit of dwelling on particulars, and, without the exercise of much caution and good judgment, its energy will be lost on trifles; *magno conatu magnas nugas.* In the same proportion it will lose the power of developing broad principles, and of drawing from particulars, general and philosophical conclusions. This was doubtless in some degree true of Sir William Jones; not that his mind was deficient in the powers of philosophical discrimination, but his eagerness for new attainments was so great, that time was not left, nor space in his thoughts, for arrangement and combination. In many cases he reasoned and thought profoundly, but take all his labors together, we are amazed rather at what he learnt, than at what he has taught.

There is good counsel in Seneca's Second Epistle, on the subject of diversity of study, which our readers will pardon us for translating. 'The best proof of a well ordered mind,' says Seneca, 'is its power of remaining quiet and keeping company with itself. Be cautious, that the reading of many authors, and those of all descriptions, do not produce vagueness and instability. Close application to a few writers of rare merit is necessary, if you would treasure up anything, which will settle faithfully into the mind. He, who is everywhere, is nowhere; and the traveller, who is always in motion, may experience much hospitality, but make no friendships. So it will be with those, who dwell not on a particular branch of study, till they become familiar with it, but are always hurrying from one thing to another. Nothing so much impedes a restoration to health, as a frequent change of medicine; a wound will not heal, which is irritated by repeated applications; a plant will not flourish, which is often removed to a new soil; and, in short, perpetual change is injurious in everything. A multitude of books distracts the mind. Since, therefore, you cannot read all you can obtain, it is enough that you possess as many as you can read. "But" you reply, "I wish to look a little into this volume, and a little into that." It is the mark of a fastidious stomach to desire to taste of many dishes, which, when of various

kinds, vitiate rather than nourish the body. Hence let your reading be confined to the most approved authors, and if at any time you seek for amusement in others, return again to the first.' Sir Matthew Hale is an illustrious example of the wonders that may be wrought, by a methodical use of time; his application was unremitted, and the compass of his knowledge almost without bounds, but he knew how to estimate it rightly; he made all his acquisitions subservient to discovering the springs of society, unfolding the principles of human nature, teaching lessons of practical wisdom, and acting on the condition of man. He sought knowledge for these ends alone, and valued particulars only as they opened light into some new truth, and conducted him to useful and comprehensive results.

Our Reminiscent entertains us with a long chapter on the Letters of Junius; if forsooth we may be allowed the intimation, that anything entertaining can now be said on a subject so completely exhausted. There is little new in the Reminiscent's observations, inasmuch as he has left the great mystery of the authorship of these letters as much in the dark as it was before, yet there is an interest in hearing a man describe things in which he has been personally concerned, and talk of distinguished men with whom he has been in habits of intimacy. This kind of interest will be found in the author's discussion on the Letters of Junius. The argument in favor of Sir Philip Francis having been the author of these Letters has been pursued with so much success, chiefly on the ground of resemblance in the handwriting, that Mr Butler would destroy its force by supposing Sir Philip to have been the amanuensis of Junius, and copied the Letters for the press. When it is considered, that the known writings of Sir Philip bear no comparison, in the character of style, or power of thought, with the Letters of Junius, this hypothesis is more than probable. The Reminiscent examines the evidence on which the other candidates have been brought forward as the authors of these Letters, but after going round the circle, and telling now and then an agreeable anecdote on the way, he sits down at the point from which he first set out, fain to acknowledge that he has found no clue by which to penetrate the mysterious labyrinth.

The parts of the volume, which will be perused with most delight by the greater portion of readers, are those relating

to distinguished British statesmen and orators. As the Reminiscent was either personally acquainted with these men, or had often witnessed the public exhibition of their talents, and knew their characters, habits, and the estimation in which they were held by their cotemporaries, his descriptions are doubtless to be relied on for their fidelity. His manner, style, and spirit, will speak for themselves, in the examples quoted below. Of Lord Erskine he says,

'The eloquence of this remarkable man was an era at the bar. His addresses to juries have not been equalled; they alike captivated their understandings, their imaginations, and their passions. He often rose to the highest oratory; but it was always simple; and even in his sublimest flights, there was much that was very familiar; but this rather set off than clouded their splendor, rather increased than diminished their general effect. His skill in the conduct of a cause, and in the examination of witnesses, has never been surpassed; his discretion never forsook him, even in his highest forensic enthusiasm; his manners were always most gentlemanly; at the bar he was uniformly loved and admired; and, when he accepted the seals, no one, as lord Eldon justly remarked of him, could have a greater wish to discharge properly the office, which was conferred on him, or greater talents to qualify him for a proper discharge of it. A true friend to constitutional liberty, he was its constant and animated advocate; but he never failed in respect to the crown, or sacrificed to the prejudices or vagaries of the populace. It is highly to the credit of the two noble lords, that, though the difference of their politics repeatedly placed them in a state of forensic conflict, neither ever said that to the other, or of the other, which it was unpleasing to him to hear. This circumstance Lord Erskine himself noticed to the Reminiscent.' pp. 61, 62.

Lord Chatham is thus described.

'The nature of the eloquence of this extraordinary man, it is extremely difficult to describe. No person in his external appearance was ever more bountifully gifted by nature for an orator. In his look and his gesture, grace and dignity were combined, but dignity presided; the "terrors of his beak, the lightnings of his eye," were insufferable. His voice was both full and clear; his lowest whisper was distinctly heard, his middle tones were sweet, rich, and beautifully varied; when he elevated his voice to its highest pitch, the house was completely filled with the volume of the sound. The effect was awful, except when he wished to cheer or animate; he then had spirit stirring notes, which were perfectly irresistible. He frequently rose, on a sudden, from a very low to

a very high key, but it seemed to be without effort. His diction was remarkably simple, but words were never chosen with greater care; he mentioned to a friend of the Reminiscent, that he had read twice, from beginning to end, *Bailey's Dictionary;* and that he had perused some of *Dr Barrow's Sermons* so often, as to know them by heart.

'His sentiments, too, were apparently simple; but sentiments were never adopted or uttered with greater skill; he was often familiar and even playful, but it was the familiarity and playfulness of condescension; the lion that dandled with the kid. The terrible, however, was his peculiar power. Then the whole house sunk before him. Still he was dignified; and wonderful as was his eloquence it was attended with this most important effect, that it impressed every hearer with a conviction, that there was something in him even finer than his words; that the man was infinitely greater than the orator; no impression of this kind was made by the eloquence of his son, or his son's antagonist.

'Still,—with the great man,—for great he certainly was,—manner did much. One of the fairest specimens, which we possess of his lordship's oratory, is his speech, in 1766, for the repeal of the stamp act.

"Annuit, et nutu totum tremefecit Olympum."

'Most, perhaps, who read the report of this speech, in Almon's Register, will wonder at the effect, which it is known to have produced on the hearers; yet the report is tolerably exact, and exhibits, although faintly, its leading features. But they should have seen the look of ineffable contempt with which he surveyed the late Mr Grenville, who sat within one of him, and should have heard him say with that look, "As to the late ministry, every capital measure they have taken, has been entirely wrong." They should also have beheld him, when addressing himself to Mr Grenville's successors, he said, "As to the present gentlemen,—those, at least, whom I have in my eye,"—(looking at the bench on which Mr Conway sate,)—"I have no objection; I have never been made a sacrifice by any of them. Some of them have done me the honor to ask my poor opinion, before they would engage to repeal the act; they will do me the justice to own, I did advise them to engage to do it, but notwithstanding, (for I love to be explicit,) I cannot give them my confidence. Pardon me, gentlemen," (bowing to them,) "confidence is a plant of slow growth." Those, who remember the air of condescending protection, with which the bow was made, and the look given, when he spoke these words, will recollect how much they themselves, at the moment, were both delighted and awed, and what they themselves then conceived of the immeasurable superiority of the orator over every human be-

ing that surrounded him. In the passages which we have cited, there is nothing which an ordinary speaker might not have said; it was the manner, and the manner only, which produced the effect.' pp. 121—123.

The parallel between Fox and Pitt, which we next introduce, is loosely drawn, but it contains some discriminating traits of the character of their minds and eloquence.

'On his first separation from the ministry, Mr Fox assumed the character of a whig; and, from this time, uniformly advocated, in consistency with that noble character, the great cause of civil and religious liberty, on their broadest principles.

'Almost the whole of his political life was spent in opposition to his majesty's ministers. It may be said of him, as of Lord North, that he had political adversaries, but no enemy. Good nature, too easily carried to excess, was one of the distinctive marks of his character. In vehemence and power of argument he resembled Demosthenes; but there the resemblance ended. He possessed a strain of ridicule and wit, which nature denied to the Athenian; and it was the more powerful, as it always appeared to be blended with argument, and to result from it. To the perfect composition, which so eminently distinguishes the speeches of Demosthenes, he had no pretence. He was heedless of method; having the complete command of good words, he never sought for better; if those, which occurred, expressed his meaning clearly and forcibly, he paid little attention to their arrangement or harmony. This detracts from the merit of his speeches, when they are read; but, when they were delivered, it perhaps added to their effect, as it tended greatly to make the hearers believe that he was above art, and spoke from conviction. Nothing more strongly recommends a speaker to his audience, or gives greater force to his oratory.

'The moment of his grandeur was, when, after he had stated the argument of his adversary, with much greater strength than his adversary had done, and with much greater than any of his hearers thought possible, he seized it with the strength of a giant, and tore and trampled on it to destruction. If, at this moment, he had possessed the power of the Athenian over the passions or the imaginations of his hearers, he might have disposed of the house at his pleasure, but this was denied to him; and, on this account, his speeches fell very short of the effect, which otherwise they must have produced.

'It is difficult to decide on the comparative merit of him and Mr Pitt; the latter had not the vehement reasoning, or argumentative ridicule, of Mr Fox; but he had more splendor, more imagery, and much more method and discretion. His long, lofty, and

reverential panegyrics of the British constitution, his eloquent vituperations of those, whom he described as advocating the democratic spirit then let loose on the inhabitants of the earth, and his solemn adjuration of the house, to defend and to assist him, in defending their all against it, were, in the highest degree, both imposing and conciliating. In addition, he had the command of bitter contemptuous sarcasm, which tortured to madness. This he could expand or compress at pleasure; even in one member of a sentence, he could inflict a wound that was never healed. Mr Fox having made an able speech, Mr Erskine followed him with one of the very same import. Mr Pitt rose to answer them; he announced his intention to reply to both; "but," said he "I shall make no mention of what was said by the honorable gentleman who spoke last; he did no more than regularly repeat what was said by the member who preceded him, and regularly weaken all he repeated."

'It was prettily said by the historian of the Roman Empire, that "Charles's black collier would soon sink Billy's painted galley;" but never did horoscope prove more false; Mr Fox said more truly, "Pitt will do for us, if he should not do for himself."

'Mr Fox had a captivating earnestness of tone and manner; Mr Pitt was more dignified than earnest. The action of Mr Fox was easy and graceful; Mr Pitt's cannot be praised. It was an observation of the reporters in the gallery, that it required great exertion to follow Mr Fox while he was speaking; none to remember what he had said; that it was easy and delightful to follow Mr Pitt; not so easy to recollect what had delighted them. It may be added, that, in all Mr Fox's speeches, even when he was most violent, there was an unquestionable indication of good humor, which attracted every heart. Where there was such a seeming equipoise of merit, the two last circumstances might be thought to turn the scale; but Mr Pitt's undeviating circumspection,—sometimes concealed, sometimes ostentatiously displayed,—tended to obtain for him, from the considerate and the grave, a confidence which they denied to his rival; besides, Mr Pitt had no coalition, no India bill to defend.

'Much that awes by power or charms by beauty was heard in the harangues of both; but, while Fox spoke, his argument only was thought of; while Pitt harangued, all his other excellencies had their due measure of attention. Each made better speeches than Lord Chatham; neither of them possessed even one of those moments of supreme dominion, which, (he is sensible how very imperfectly,) the Reminiscent has attempted to describe.' pp. 138—141.

We trust we shall be pardoned for introducing the following notice of Lord Thurlow, although it contains his cele-

brated speech, which is familiar to many of our readers. But however celebrated, or however familiar, sentiments so noble and just can hardly be too often repeated, or too strongly impressed. The occasions have been rare in which the dignity of man could appear in so imposing a light as in this speech, and still more rare in which they have been embraced with a power so tremendous, and an effect so astounding.

'At times, Lord Thurlow was superlatively great. It was the good fortune of the Reminiscent, to hear his celebrated reply to the Duke of Grafton, during the inquiry into Lord Sandwich's administration of Greenwich hospital. His Grace's action and delivery, when he addressed the house, were singularly dignified and graceful; but his matter was not equal to his manner. He reproached Lord Thurlow with his plebeian extraction, and his recent admission into the peerage. Particular circumstances caused Lord Thurlow's reply to make a deep impression on the Reminiscent. His lordship had spoken too often, and began to be heard with a civil but visible impatience. Under these circumstances, he was attacked in the manner we have mentioned. He rose from the woolsack, and advanced slowly to the place, from which the chancellor generally addresses the house; then, fixing on the duke the look of Jove, when he has grasped the thunder; "I am amazed," he said, in a level tone of voice, "at the attack which the noble duke has made on me. Yes, my lords," considerably raising his voice, "I am amazed at his Grace's speech. The noble duke cannot look before him, behind him, or on either side of him, without seeing some noble peer, who owes his seat in this house to his successful exertions in the profession to which I belong. Does he not feel that it is as honorable to owe it to these, as to being the accident of an accident?—To all these noble lords, the language of the noble duke is as applicable and as insulting as it is to myself. But I don't fear to meet it single and alone. No one venerates the peerage more than I do; but my lords, I must say that the peerage solicited me, not I the peerage. Nay more, I can say and will say, that, as a peer of parliament; as speaker of this right honorable house, as keeper of the great seal; as guardian of his majesty's conscience; as lord high chancellor of England, nay, even in that character alone, in which the noble duke would think it an affront to be considered—but which character none can deny *me*—as a MAN, I am at this moment as respectable; I beg leave to add, I am at this time, as much respected, as the proudest peer I now look down upon." The effect of this speech, both within the walls of parliament and out of them, was prodigious. It gave Lord Thurlow an ascendency in the house, which no chancellor had ever possessed; it invested him, in public opinion, with a charac-

ter of independence and honor; and this, although he was ever on the unpopular side of politics, made him always popular with the people.' pp. 164—166.

Our extracts shall be closed with the Reminiscent's remarks on the care, which certain eminent writers have bestowed on their compositions, before they entrusted them to the public eye. Such rigid practices would alarm the writers of novels, and the reviewers of these modern days. Newton wrote out the first chapter of his *Chronology*, which is the larger part of that great work, eighteen times with his own hand, and he published nothing which he had not copied many times over. Who can refrain from deploring the degeneracy of these our latter days? To write much and rapidly is now the watchword; to make one novel a year, and two if possible, or at all events to be always in the press, and running a race with the printers; to indite poetry, with Pegasus at his greatest speed, by inspiration, leaving sense, nature, reason, truth, and such dull things to the poor possession of the uninitiated; to send out reviews quarterly, monthly, weekly, on all sorts of subjects, with some of which the writers themselves are acquainted, and of others as ignorant as the readers, whom they would instruct; these are the feats of modern literature, these the exploits of modern genius, these the trophies of modern learning. But we are revealing secrets. Let us return to the Reminiscent.

'We have mentioned,' says he, 'Mr Burke's endless corrections of his compositions; Bossuet, by the account of his Benedictine editors, was equally laborious; but in this they differed; that Burke appears to have been satisfied with his original conceptions, and to have been fastidious only in respect to words and phrases; Bossuet seems to have been equally dissatisfied with his first thoughts and his first words. The inequality between those works of Bossuet, which the Benedictine editors published from the drafts of them, and those published by himself, is utterly inconceivable; it is a literary phenomenon; it might be considered impossible that both should proceed from the same pen, or be the thoughts or words of the same person.

'Rousseau himself has informed us, that between his first committing of a sentence to paper and his final settlement of it, his obliterations and alterations were countless. That this should have been the case of such writers as Robertson or Gibbon, is not surprising; their eternal batteries and counter batteries of words seem

to be the effect of much reflection and many second thoughts; but that it should have been the case with writers like Bossuet, Burke, and Rousseau, who appear to pour streams equally copious and rapid of unpremeditated eloquence, appears extraordinary; it justifies the common remark, that we seldom read with pleasure, what has not been composed with labor. The *molle atque facetum*, which Horace ascribes to Virgil, indicates a composition which taste has inspired, but which doings and iterated doings have worked into softness. Such are the pages of Addison, such the Offices of Cicero; such also, but in a superlative degree, are many passages of Milton.' pp. 209, 210.

A long chapter on the jurisprudence of France, both ancient and modern, and on the English law of property, contains many historical facts and ingenious remarks, not only communicating useful hints to the professional student, but adapted to the understanding and improvement of the general reader. Notices of the author's various writings are interspersed throughout the volume, and so arranged as to enable us to trace the course of his studies. His work, entitled *Horæ Juridicæ Subsecivæ*, has been highly approved by lawyers, and his *Horæ Biblicæ*, by theologians, as containing a fund of valuable knowledge, well digested, and compressed within a small compass. He has written several theological essays, and also the lives of Bossuet, Fenelon, and other eminent persons. He is wayward in some of his poetical criticisms. In preferring Homer to Virgil, and Dryden to Pope, he has our full consent to enjoy his opinion; but we do not agree, that 'Virgil's language sometimes ceases to be Latin,' nor believe that the 'works of Gray are more read and admired than those of any other English poet.' Nor shall we soon be convinced, that the 'muse of Gray was of a higher order' than that of Goldsmith. But the author is so candid and good tempered in all his criticisms, as well as in all his writings, that for our own credit we forbear to quarrel with him on so small a matter as that of extolling a favorite poet, a liberty belonging to every one that chooses to exercise it, and we take leave of his little volume, with grateful feelings toward the reminiscent, for the sources of entertainment, which he has opened to us.

ART. III.—*Ensayo de la Historia Civil del Paraguay, Buenos Ayres y Tucuman.* Por el DOCTOR D. GREGORIO FUNES. Libro VI. Capituli 1—3, vol. III. p. 242—333. [Published in Buenos Ayres, 1817. The three chapters here specified contain the History of the Insurrection, which broke out in Peru in the year 1780.]

OF the vast acquisitions gained by Spain, in the tropical and southern regions of the New World, none was more interesting in itself, more splendid as conquests, or more highly prized by the metropolis, for the immense riches drawn from the country and the inhabitants, than the extensive empires of Peru and Mexico. Unlike the rest of America, these two populous nations were formed into powerful organised states, analogous in many respects to what Europeans had been accustomed to see at home. Their subjugation, therefore, was effected, not as that of the rest of the continent was, by successive victories over insulated tribes, but by striking at the government itself, at the head of the empire, around which the whole population rallied, and with the fall of which the empire itself was at an end. The Mexicans were a much more fierce and warlike people than the Peruvians; and of course the first conquest of Mexico was a far more arduous task than the conquest of Peru. But when the Mexican nation was once really subdued, the subjugation was complete and final; because the emperors of Mexico being determined by election, so soon as the regular succession was effectually interrupted, it became impracticable to restore it by a new election in after times. But in Peru it was otherwise. Here the principle of hereditary succession being firmly established, it was impossible to eradicate the idea of a Peruvian sovereignty from the minds of the Indians, until the whole race of the Incas was extinct. This peculiarity in the situation of Peru occasioned the Spaniards much annoyance, by compelling them, on the one hand, to many acts of cruelty against the family of the Incas, and, on the other, by repeatedly leading the Peruvians into dangerous insurrections.

The most remarkable of all these attempts was the rising of the Inca Jose Gabriel Tupac Amaru, towards the close of the last century, an event in the history of Spanish America only exceeded in interest and importance by the original con-

quest, and by the recent separation of the country from Spain. Mild and submissive as the Peruvian Indians are by nature, they were, on this occasion, driven by the tyrannical system of intolerable oppression, which their taskmasters pursued, to take up arms in open and general rebellion, throughout the southern and central mountainous provinces of Peru. This insurrection spread so widely, and was so desperately maintained, that for a time it seriously threatened the downfall of the Spanish empire in that quarter. Had the good fortune of the insurgent tribes been equal to the justice of their cause, a bloody retribution would then have been visited upon the posterity of Pizarro, for all the wrongs they had done the Indians, and the scattered remnant of the lineage of the Sun would have been reinstated upon the throne of the Incas.

Such is the jealous mystery, in which Spain has been anxious to wrap the affairs of her American possessions in modern times, that this attempt to revolutionise Peru was scarcely heard of in Europe or in the United States, until it was first briefly noticed by Humboldt.* But the revolution of the Spanish American governments has unfolded the dreadful secrets of that great prison house, as the French revolution threw open the cells of the Bastille. Some of these hitherto closely guarded *arcana* of despotism we disclosed to our readers in our number for July last; and we propose to give here, as an apt illustration of a part of the article alluded to, a condensed account of the insurrection of Tupac Amaru, as we find it in substance contained in the authentic history of Dean Funes. With this object we have prefixed to our article the three chapters of his History of Paraguay, which treat specially of this insurrection, referring our readers to a former article in our Journal for the general character and merits of this valuable work.

We use the word Peru to designate the seat of the attempted revolution; but the expression requires some explanation. Our readers may need to be reminded that in the year 1778, the viceroyalty of the Rio de la Plata, or Buenos Ayres, was erected out of the viceroyalty of Peru. In making the division, no regard was had to the national bounda-

* Political Essay on New Spain, vol. ii. c. 6. p. 150.

ries of the Peruvians, but geographical position and political convenience only were consulted. The new government was made to contain the then five great provinces of Buenos Ayres, Paraguay, Tucuman, Charcas, and Chiquitos. Now it was mostly in Charcas and Chiquitos, and their dependencies along the Cordillera of the Andes, and in the districts of Upper Peru, that the insurrection raged, breaking out in Peru in the country on the north eastern shore of lake Titicaca, and extending north through the bishopric of Cuzco towards Lima, and south to Jujui and Salta. Of course, as will be seen in the sequel, both viceroyalties were implicated in the war, and compelled to bring their respective forces into the field. Upper Peru, the principal seat of the war, known also by its civil name as the Audience of Charcas, was subdivided into twentyone smaller provinces, all included in the seven governments of Potosi, Charcas, Chuquisaca or La Plata, Cochabamba, La Paz, Santa Cruz de la Sierra or Puno, Moxos, and Chiquitos. The rest of Peru belonged to the Audience of Lima. These geographical explanations may be necessary to the ready understanding of the localities referred to in the course of this article.*

This region is traversed in its entire extent by the Cordillera of the Andes, which breaks it up into every diversity of soil, climate, and face of country. Here the mountains shoot upwards into bold and lofty peaks, or spread out into extensive highlands, interrupted sometimes by *quebradas*, or deep ravines, where they are cloven down to their very bases, and at others by beautiful smiling valleys, with hill and dale,

* A very good map of the theatre of this insurrection may be found in Pazos' Letters,—also in Tanner's American Atlas; and Lucas's Cabinet Atlas.

According to Humboldt, the Viceroy Lemos counted 600,000 Indians in Lower Peru, in 1793. The gross population at that period must have been somewhat below a million. As one third of the inhabitants are said to have perished in the rebellion, and as the increase during the eleven years from 1782 to 1793, was probably insufficient to supply this loss, we shall not err much, perhaps, in estimating the whole number of Indians in Lower Peru in 1780 at 650,000. Now the population of each of the districts of Upper and Lower Peru has been estimated by the Patriots, within a few years, at about 1,700,000, including about 1,150,000 Indians. Guided by these *data*, and supposing the population of the two Audiences to have increased *pari passu* since 1780, we may consider the aggregate number of Indians in both, at that time, as amounting to 1,300,000, leaving 700,000 for the number of Spaniards, white Americans, negroes, and persons of the mixed cast.

streamlet and lake, to contrast their graces with the sublimity of the surrounding scenery. The mountains are filled with metallic wealth; and although their barren summits rise into the region of perpetual snows, their sides afford pasturage to vast herds of cattle, horses, and mules; and the numberless waters, which spring from their bosom, the birthplace of the mighty rivers of Plate and of the Amazon, diffuse fertility through the luxuriant plains, which they irrigate. In some of the more barren districts of the highlands, they are bristled all over with broken masses of rock, and huge cliffs and precipices, where the mountains appear split into fragments, and upheaved from their foundations by the great convulsions of nature. Here, amid these savage wilds, the fit scene of savage warfare, the insurrection was longest maintained, and derived its peculiar character from the extraordinary features of the country.

Jose Gabriel Tupac Amaru, Cacique of Tungasuca, in the province of Tinta, and the bishopric of Cuzco in Peru, claimed to spring from the illustrious stock of Peruvian monarchs. He was directly descended, by the maternal line, from the last of the acknowledged Incas, Sayri Tupac and Tupac Amaru, the unfortunate sons of Manco Capac.

Dr Robertson's popular work has made all English readers familiarly acquainted with the situation of the Peruvian empire, when first visited by the Spaniards, and with the history of the Incas down to the year 1550, where his account terminates. The splendor of the monarchy in its best days, under Huayna Capac, the division of Peru at his death between his sons Inta Cusi Hualpa, or Huascar, and Atahuallpa, the usurpation of Atahuallpa, the invasion and conquest of the kingdom in his reign by Pizarro, the murder of Huascar by his brother, Atahuallpa's decapitation, the succession of Manco Capac, his well conducted, but unsuccessful effort to profit by the dissensions of the first conquerors and slaughter every Spaniard in Peru; all these incidents are fully described by him in the History of America. And although his credit as an historical authority has been shaken, and the accuracy of many of his statements disputed by the investigations of later writers, the Abbé Clavigero for instance, yet his work still continues to be the source of popular information in regard to the first conquest of the New World. A continuation of

his narrative, detailing the subsequent fortunes of the Incas, as set forth by Garcilasso, and other Spanish writers, might serve as a suitable introduction to the present subject; but this we are constrained to pass over, that we may have the more room to dwell on the topics immediately in hand.

Tupac Amaru, the hero of the insurrection, the history of which is now coming before us, first began to attract attention in Peru, by assuming the patronymic of the last Inca,* proving his descent from Manco Capac, and by virtue of it, urging his pretensions before the Audience of Lima, though unsuccessfully, to the vacant marquisate of Oropesa. 'If it were the privilege of royal blood,' says Dean Funes, 'to inspire magnanimous thoughts, the idea of the revolution would be the surest indication of the generous stream, which swelled his veins. Of a noble physiognomy, a robust frame, a majestic and gracious presence, vast designs, vehement passions, firmness of enterprise, and intrepidity amid dangers, but with only the imperfect education which he could acquire by a few years of study at the colleges of Cuzco and Lima, he conceived the bold design of effecting the deliverance of his people from the tyranny under which they groaned.' What this extremity of tyranny was, our readers may partly conceive, by calling to mind the statements in the article of our Journal already quoted; for it is to the Peruvians, that the statements there made more particularly apply. The Indians elsewhere, in Mexico for instance, have been partially protected from the rapacity of the local magistrates, by many wise and humane regulations.† But in Peru it was, that the slavery of the *repartimientos*‡ endured unsoftened

* His original name was Jose Gabriel Candor Canqui. He assumed the name of Tupac Amaru, the last Inca, by virtue of his maternal descent.

† Humboldt's New Spain B. II. c. 6.

‡ The word *repartimiento* means any *division, partition, distribution,* or *apportionment.* In the old Spanish historians, and in English books compiled from them, such as Zarate, Garcilasso de la Vega, Fernandez, Robertson, it is uniformly used to denote the well known *allotment of lands and vassal Indians* (genuine *adscriptitii glebæ*) granted to the first conquerors in reward of their services. In some later writers, the same word is applied to the *monopoly of sales to the Indians,* exercised by the *corregidores,* under pretext of protecting the Indians from imposition, by the official *distribution* of goods. As English readers are more accustomed to the word in its first sense than in its latter, we have preferred in this article, in imitation of the general practice of Funes, to employ the provincial word *reparto,* derived from the same root with *repartimiento,* to signify the commercial monopoly.

to the last; Peru, in which the *repartos* of avaricious monopolising magistrates stripped the poor Indians of their little substance; Peru, for whose inexhaustible silver mines in the bowels of mount Potosi, the odious and infamous conscription of the *mita* was ordained and preserved.

Tupac Amaru, in the first place, endeavored to procure some mitigation of these uparalleled burdens, by gaining the cooperation of several eminent dignitaries in the church, led by the bishop of Cuzco, a noble Peruvian of the family of Moscoso, and using their influence with the government in behalf of the oppressed Indians. Yet foreseeing that persuasion would avail but little with their avaricious and cruel masters, he set about paving the way for the employment of other means of redress, by assiduously courting popularity among his countrymen, exhibiting himself as the protector of the injured, alleviating the sufferings of the distressed by pecuniary aid, and thus gradually leading the whole nation to regard him as the descendant and rightful representative of their ancient sovereigns.

In the meantime they, who sympathised in the miseries of the Indians, urged upon the advisers of the crown the necessity of a reform in the internal administration of the country, in such strong terms, and expressed so decided a belief that some fearful political crisis was impending, that the court began to listen to their representations. Accordingly, two noble Peruvians, Don Ventura Santelices, and Don Blas Tupac Amaru, were successively called to Spain, to aid the Council of the Indies in devising means to meliorate the lot of the Indians. Probably they would have succeeded, had not they prematurely perished, by chance or by assassination, the one at Madrid, the other on his passage back to Peru.

Tupac Amaru now came forward in person, and made new exertions to procure a peaceful change in the condition of the Indians. But his zeal only served to draw upon him the animosity of the petty despots of the provinces, who lorded it over his subject race. The *corregidores*, seeing that the failure of Santilices, and of Don Blas Tupac Amaru, had not cooled the Inca's ardor, nor subdued his courage, now doubled the burdens of his countrymen, and thinking thereby to crush the rising spirit of resistance, pushed their tyranny beyond the utmost verge of human endurance.

Their madness hastened the crisis, which they strove to avert. The Indians grew desperate, and now first breaking forth into determined insurrection, rallied around the name of the Inca. The commencement of the revolution was signalised by an act of vengeance, performed in all the solemnities of law, and therefore the better calculated to strike terror into the hearts of the Spaniards, and to arouse the courage of the Peruvians. Don Antonio Arriaga, *corregidor* of Tinta, was infamous for the cruelty and rapacity, which he exercised on the Indians of his province. Tupac Amaru brought him to Tungasuca, under pretext of a sedition, and there instituting his trial with his own official registers, caused him to be condemned as a public robber, and executed on the gallows, in the name of the king of Spain, on the 10th of November, 1780. The *mita*, *repartos*, the *alcavala*, all the odious forms of taxation and bondage were abolished from this instant, and the flames of civil war enkindled in Peru.

Tupac Amaru was cautious and wary in the introductory scenes of the revolution, because he wished to conciliate the timid of his nation, by shunning the appearance of absolute rebellion, and to lull his enemies into security, by making them regard his proceedings in the light of a mere local tumult, that he might strike the more surely for the independence of Peru. Hence, all his proclamations, his decrees, and the other formalities attendant on the opening of his insurrection, were couched in the name of the king. Adhering to this plan, and pretending to be in the execution of the king's mandates, he passed rapidly into the province of Quispicancha, with the intention of causing the *corregidor* Cabrera, to undergo the fate of Arriaga. Cabrera, anticipating his purpose, escaped by a hasty flight, leaving his rich magazines and the treasures of the government to be distributed, like the spoils of Arriaga, among the insurgent Indians. By these movements, the neighboring provinces were now thrown into general consternation, and Tupac Amaru actively extended the flame, disseminating his edicts, wherein, calling on the names of the Incas and of liberty, he sought to awaken the national enthusiasm of the Peruvians.

There is one passage of our author, in this connexion, which deserves to be transferred entire to our pages.

'Honor, justice, and all public and private interest,' are his words, 'exacted of the Spanish Americans, that, rousing from their weak, obscure, inglorious repose, they should have made common cause with Tupac Amaru. The new system of oppression invented by the minister Galvez, placed them, as it were, on the same level with the Indians, and it was notorious that his visiter general, Areche, would exempt them from none of the vexations, for which he was commissioned. The limited resources of the Spaniards, at a time when their exhausted treasury had to sustain the weight of war with England; the heroic example displayed by the patriots of North America, in resisting a power bent on widening the base of its despotism; finally, the well founded expectation, that the South Americans would have the assistance of the British, moved by the bitterness of revenge; these motives would seem adequate to have called out the energies of the most cold and servile. But they were too much familiarised to injustice, too well broken under the yoke of slavery, and above all, too ignorant of their inalienable rights. They chose to sacrifice opportunity to sloth, honor to servitude, and their country to prejudice. Content, at most, to murmur in the secrecy of their hearts, they were outwardly emulous to gain merit and distinction by consolidating the power of their oppressors.' Tom. iii. p. 267.

Such were the feelings of the Spanish Americans; but Tupac Amaru aroused another spirit in the breasts of his native countrymen. The consternation soon spread to the city of Cuzco, and measures were taken to oppose the Inca's progress. A body of troops under the command of the generals Escajadilla and Landa marched forth, and uniting with those of Quispicancha, formed a corps of about six hundred men, Spaniards, creoles, and Indians, which encamped at Sangarara, not far from Cuzco. They were immediately attacked by a much superior body of Indians, and compelled to take refuge in the church. Tupac Amaru proposed to them to submit on honorable terms, which were disdainfully rejected by the Spaniards.

'In the meantime, the situation of the besieged was rendered hopeless by an unexpected accident. Their powder magazine exploded, and blew off a part of the roof of the church, and opened a large breach in one of its sides. Still these determined men maintained their resolution, with all the heroism of that rapacity, to which their nation owes its wonderful triumphs and conquests. The same breach served as a means of deriving benefit from their misfortune. Discharging a cannon through it, they killed seven of

the Indians immediately about the person of Tupac Amaru. The preponderance of this chief then manifested itself, and obliged them to throw open the doors of the church, and trust their fate to the chance of desperation.' p. 269.

But the attempt to force a way through the surrounding multitude of Indians failed. Of six hundred and four combatants, who had occupied the church, all, including Escajadilla and Landa, died heroically sword in hand, except about sixty creoles and Indians.

The result of this renconter was of the utmost consequence to the Inca. Success had now crowned his arms, and he dexterously took advantage of the respect and terror, which it inspired. In most places, where the intelligence reached, nothing was now heard among the Indians, but acclamations on the deliverer of Peru. He therefore assumed the symbols of the ancient grandeur of his progenitors, and bound around his temples the imperial *borla* of the Incas.* Elated by his recent triumphs, after an ineffectual attempt on Cuzco, he directed the principal division of his forces towards Puno. He himself, having received letters from his wife, informing him that his exploits had excited attention in Lima, and that it was therefore necessary to collect all his strength, retraced his steps towards Tinta.

The expedition against Puno was unsuccessful. The Indians displayed the greatest resolution and obstinacy in their attack on the former, because, if they succeeded in the capture of Puno, there would be nothing to interrupt their march towards the important city of La Paz. Many skirmishes took place between them and the Spanish forces in that quarter, commanded by Don Joaquin de Orellana, in which the Indians, although vastly superior in numbers, were generally worsted by the equal courage, superior arms, and more exact discipline of the Europeans. In one engagement, the Indians, to the number of five thousand, were beaten by about eight hundred Spaniards. They penetrated, however, to Puno, and besieged Orellana in his capital, eighteen thousand Indians occupying the eminences which commanded the district; but they were finally repulsed by Orellana. Accord-

* The *borla* was a kind of tasselled fillet or fringe of red wool, worn upon the middle of the forehead by the reiguing Inca.—*Frezier's Travels*, p. 272.

ingly, exasperated rather than disheartened by defeat, they suddenly turned away from Puno, and poured themselves like a torrent over the unprotected province of Chucuito.

No province adhered to Tupac Amaru more entirely than Chayanta. This arose from the commotion in which it was already involved, in consequence of certain events, which it is time we should relate. There lived in Chayanta an Indian, named Tomas Catari, who felt the liveliest sensibility to the wrongs of his countrymen, and before the rising of Tupac Amaru, had protested against some extraordinary acts of oppression and rapacity, perpetrated by the *corregidor* Don Joaquin de Aloz. Placing no confidence in the Audience of Charcas, which was notoriously corrupt, Catari carried his complaints directly to the viceroy. Buenos Ayres was at this time governed by Don Juan de Vertiz, a man of unimpeachable integrity, and of mild, pacific, and amiable virtues. He saw with disgust the abuses which custom authorised, but could afford no other relief, than to order the Royal Audience to examine the matter judicially. Catari returned to his province, concealing his dissatisfaction, and giving out in mysterious language, that redress was about to be afforded by a superior power. His real object was to prepare his nation to shake off the yoke, which now bowed their necks to the earth.

Shortly after his return, Catari was thrown into prison by Aloz, under the false pretext of his having killed a minion of the government, named Bernal. The Indians immediately released him by force. From that time forward, he constantly underwent the greatest vicissitudes of fortune, at one moment persecuted by Aloz, at another protected by the Indians. While his exertions were suspended by imprisonment, his brothers Damaso and Nicolas Catari zealously promoted his designs. The Indians were to assemble in the village of Pocoata, to prepare the conscription list for the *mita* of Potosi. Aloz, apprehending the meeting might end in some popular tumult, hastily collected a guard of two hundred men for his defence on the occasion; but Damaso, nevertheless, demanded the release of his brother Tomas, who was then confined in the jail of Chuquisaca. This demand brought on an altercation, in the course of which Aloz shot an Indian with his pistol. The incensed Indians instantly marched from

all quarters to the public square, where Aloz awaited them with his troops drawn up in order of battle, attacked him with an enthusiasm, which supplied every defect of arms and discipline, and after a sanguinary contest, killed or routed the whole Spanish force, and made Aloz himself prisoner of war.

The Audience of Charcas were filled with dismay. They gladly released Tomas Catari, trusting to his influence for the preservation of Aloz and the tranquillity of the province. The Indians flocked around Catari, and hailed his return with every demonstration of exuberant joy; but they would not surrender Aloz, until they had procured the sacrifice of a new victim to popular vengeance. They compelled him, as the price of his life, to send an order for the seizure of a cacique named Lupa, odious on account of his subserviency to the government, who was killed by them, and his head affixed on the gates of Chuquisaca.

But the misfortunes of Tomas Catari were not yet finished. At the moment when his reputation and seeming security were the greatest, he was made prisoner by Alvarez, a famous miner of Aullagas, who placed him in the hands of the *justicia mayor* Acuña. The whole population of the country flew to his rescue; but too late; for Acuña had lost no time in causing him to be put to death. The rage of the Indians now passed all bounds. They first fell upon Acuña and Alvarez, and sacrificed them to the manes of Catari; and the manifestoes of Tupac Amaru, proclaiming independence and the empire of their ancient monarchs, reaching them at the very height of this frenzy of popular resentment, they seized upon the occasion with inconceivable ardor, to signify, by acclamation, their unanimous adhesion to the Inca.

The disturbances in Chayanta had before this obliged the Viceroy of Buenos Ayres to send a force to quell them, commanded by Don Ignacio Flores, who for that purpose was invested with very ample powers, and appointed Governor of Moxos. Stimulated by the presumption of the Indians, who were now beginning to proclaim the new Inca, and stimulated still more by the complaints of the Audience of Charcas, who censured the slowness of his preparations, Flores, after organising his forces, waited not for the veteran troops speedily expected from Buenos Ayres, but boldly attacked the Indians, and by his courage and skill gained a complete victory. He

took sixty prisoners, and very unadvisedly, with the view of inspiring the vanquished with greater terror, subjected them all to torture and death. This unjust and precipitate act inflamed the Indians with such inveterate hatred of the Spaniards, that all were now ready to throw away their lives, as martyrs in the cause of liberty, and the insurrection raged more violently than ever.

In the meantime a succession of the most tragical events was taking place in the rich town of Oruro, the capital of a district of that name. While the neighboring province of Chayanta was in such violent commotion, it may be supposed that Oruro could not remain tranquil. In Carabaya and Paria, too, the Indians were all in arms, and had killed some of the principal Spaniards, and sent their heads to Tupac Amaru, as the first fruits of unlimited submission to his rule. Don Ramon de Urrutia, the *corregidor*, fearing a hostile irruption into the town, enlisted a corps of four hundred men, composed chiefly of *cholos*, the offspring of whites and *mestizos*, esteemed the hardiest and most active class of the population.* Everything was then apparently tranquil; but never was repose more fallacious. The new recruits, practising the most profound dissimulation, determined to take advantage of their situation to enrich themselves out of the pillage of the town. To obtain arms, which were not yet delivered to them, they first spread a rumor that the European Spaniards designed to assassinate them in their quarters. Urrutia promptly dissipated this report. The next night they raised a cry that the insurgent Indians were approaching. On their arms being given them, their true object was developed. A part remained in quarters, the rest occupied an eminence, and sounding their trumpets, gave the signal for the Indians of the mines to rush into the town and begin the work of devastation. The European Spaniards were the first mark of their fury. These had taken refuge together in the house of one of the wealthiest of their number, Don Jose Endeiza, and there collected their silver for safe keeping. The Indians and *cholos* finding the house fortified, impatiently set fire to it, and thus compelling the unfortunate Spaniards to come forth, put them all to the sword. They discovered in the

* See Pazos' Letters, p. 109. Voyage to South America, p. 20.

house upwards of seven hundred thousand dollars; but this rich plunder served only to sharpen their avarice the more. To crown the miseries of this devoted town, the Indians of other provinces, amounting to twenty thousand in number, now flocked into it, and for ten days Oruro wore the aspect of a city taken by storm. 'Not a commercial house in the place,' says Funes, 'but was pillaged, and its owner slain, except a few who happily saved their lives by flight. Wherever you cast your eyes, they would light on monuments of the ravages caused by men, who left no interval between menace and execution. Churches sacrilegiously profaned, houses demolished, the female population driven into the convents for an asylum; dead bodies scattered over the public squares; such was the disastrous spectacle, which the rich city of Oruro exhibited.' Intoxicated with their success, the insurgents broke loose from all restraint. Refusing to leave the town, they would have reduced it to ashes, but for the interposition of a noble Indian, Don Lope Chungara, who united with the inhabitants to rescue it from complete destruction, and thus diverted the fury of the Indians into a different channel.*

Similar excesses were committed elsewhere, particularly in Sicasica and Cochabamba. The Indians of this latter district, inflamed with ill digested ideas of independence, conspired to cut off every Spaniard, whether European or American. Assembling at various places, particularly at Tapacari, they put to death about four hundred Spaniards, under circumstances of great barbarity. They pursued this war of extermination for some time unresisted, sparing neither age, sex, nor condition, and celebrating the discovery of every new victim with extravagant rejoicings. The proclamations of Tupac Amaru had here fallen among men, whose native ferocity, hardened by oppression and confirmed by ignorance, displayed itself in acts of savage violence, at which humanity shudders. But their courage was not equal to their cruelty. They were repeatedly routed by a small Spanish force under Don Jose Ayarza, and compelled to fly to the fastnesses of the mountains, there to recruit their strength, and prepare for another struggle.

The rapid progress of the insurrection, as we have represented its course, soon made it necessary for the Viceroy of

* See Pazos' Letters, p. 161.

Peru, Don Manuel de Guirior, to put in motion the troops of Lima, commanded by the Inspector Don Jose del Valle. The theatre of the war was now so far extended, as to require the exertion of the whole military force of the country to withstand the Indians. Tupac Amaru, after his return to Tungasuca, as before related, used the greatest diligence in raising recruits, and then marched for Cuzco, causing himself to be received on the way under a pavilion, with all the ostentation of sovereignty. He halted on the heights of Yauriquez, a few leagues from Cuzco, and summoned it to surrender. His enterprise had been encouraged by several of its noblest citizens; and it was in reliance upon their cooperation, that he hoped to gain possession of the city. But his faithless friends hesitated for a few days, and all was lost.* Pomacagua, the celebrated cacique of Chincheros, who has so nobly atoned for his abandonment of his country's cause in this instance, by his enlightened zeal in the furtherance of the last revolution,† and other caciques, who adhered to the Spaniards, led their followers to the defence of the city, and offered battle to Tupac Amaru. The threatened danger inspired even the clergy with warlike ardor. 'While the dean of the church,' says our author, 'was going to celebrate the publication of the bull, he had to assume the military garb, and place himself in front of his squadron, destined to guard the city.' The friendly Indians sallied out alone to attack the besiegers, but suffered great slaughter, because deprived of the aid of the Spaniards. These latter, however, with the *cholos*, speedily joined in the engagement, changed the fortune of the day, and compelled Tupac Amaru to raise his camp, and fall back upon Tinta. The next day the visiter general of Peru, Areche, arrived at Cuzco, and both parties continued to make every possible preparation for a decisive effort.‡

A new personage now entered the scene, who rendered himself not less terrible to the Spaniards of La Paz, than

* This fact is stated in Pazos' Letters, p. 253.

† See Pazos' Letters, p. 66.

‡ A curious incident happened about this time to two or three regiments of mulatto troops, on their march from Lima to Cuzco. In crossing the cold mountains on the way, they were attacked by a body of Indians early in the morning, and being benumbed by cold were unable to use their muskets. They sent a flag of truce to ask an armistice till sun rise, which being refused, they were totally defeated by the more hardy mountaineers.—Ibid. p. 201.

Tupac Amaru and the Cataris were in other provinces. This was an Indian of Hayohayo, in the province of Sicasica, called Juan Apasa, who, having intercepted a courier sent by Tupac Amaru to Tomas Catari, when the latter no longer lived, deceived the Indians with the idea that it was directed to himself, assumed the name of Tupa Catari, and the state and pretensions of the Inca's viceroy. A baker by trade, and as ignorant as he was presumptuous, he succeeded in attaining the authority of a Peruvian Massaniello. We cannot describe his character more graphically, than by translating the expressions of Funes.

'Extravagance, madness, effrontery, vanity, debauchery, mingled with a certain shrewdness, sagacity, and fertility of expedients and ideas adapted to his situation, went to make up the character of this adventurer. Add to these traits a firmness, an obstinacy of resolution, which no reverses could shake, a savage fierceness, whether of taste or ostentation, magnificence to the most ridiculous excess, superstition unalloyed by christian virtue—combine the whole in one who was a warrior by impulse, and not by reflection, and you have an exact idea of Tupa Catari.' p. 288.

The great city of La Paz was the centre of his operations. He began by sending summonses in every direction, filled with the most extravagant ideas, having for their object the revival of the usages of the ancient Peruvians. The letters commanded the Indians to hold assemblies on the mountain tops, to eat no bread, drink no water from the springs, burn the temples, and abjure the christian faith. Every Spaniard indiscriminately, or in the comprehensive language of the proclamations, *every one who wore a shirt*, was doomed to death. Charged with these instructions, an Indian made his appearance at Tiguina, a dependency of Copacabana, whose exterior was well calculated to inspire alarm.

'His neck was bound with a rope, and he bore a knotted cord in his hand. Calling thrice with a loud voice, he summoned the Indians together, and explained the meaning of these symbols. The rope around his neck denoted that he would be hung, if he departed from truth in the message he was to deliver. The knot on the cord intimated, that as he was forbidden to unloose this on the way, so was it unlawful to open the message of his Inca, king Tupa Catari. After these preliminaries were concluded, he untied the mysterious knot, and published in the name of the king a peremptory decree,

imposing the rites of his new legislation, and commanding the instant execution of the proscribed Spaniards.' p. 290.

The tumultuary voices of the concourse signified prompt obedience. They ran to the temple, where the Spaniards had sought refuge, forced them out by firing it, and killed them all without mercy. From thence they proceeded to the sanctuary of Copacabana, and repeated the same scene, killing all but the priests. These atrocities portended the storm, which was speedily to break upon La Paz.

The protection of this important post had been committed to Don Sebastian de Segurola, an officer of great military talents. Segurola attempted to dislodge a small party of eighty Indians, who annoyed him with their slings from a neighboring height. Thrice did the Spaniards gain the summit, each succeeding time with fresh assailants, and thrice were they driven back with loss, before they could overpower this handful of brave men. Discomfiture, under such circumstances, was more useful to the Indians than victory. It taught them their strength. Accordingly, in his next enterprise, Segurola sustained a signal defeat. Ascertaining that some auxiliaries, sent from Sorata, had fallen into the hands of the Indians, who were masters of the heights of La Paz, he resolved to attack them on three sides. But the incessant flight of stones from the slings of the Indians, and the huge masses of rock, which they rolled down the sides of the mountain, drove the Spaniards from the field. Segurola made another attempt with four field pieces, and a larger force than before. The Spaniards succeeded in ascending about half way up the eminence, but were again repulsed by the Indians, who fought with enthusiastic energy, routed the Spaniards, precipitated themselves down the mountain with the rapidity of lightning, pursued their flying enemies to the very gates of La Paz, and laid close siege to the city.

Before giving an account of this memorable siege, it is necessary to recur to another seat of the war, where the Indians were less fortunate. Valle, at the head of sixteen thousand men, had marched in quest of Tupac Amaru, and, although meeting with constant resistance, at last penetrated to Tungasuca. Sound policy would have dictated to Tupac Amaru the plan of avoiding pitched battles in the open plain,

and especially not to venture his fortune upon a single hazard. In this latter mode of warfare, the Spaniards had every advantage by the superiority of their arms, their discipline, and the skill of their leaders. But if the Indians had confined themselves chiefly to the highlands, of which they had the entire command, they might, by repeated short incursions into the plains, have prolonged the war at pleasure. Instead of this, the Indians risked all their strength in a general engagement, and were defeated, leaving the field of battle covered with the dead. Tupac Amaru himself narrowly escaped by flight, and was not long afterwards taken prisoner, with his wife Micaela Bastidas, and his sons Ipolito and Fernando.

It was imagined, that the capture of the Inca would put an end to the insurrection; but the Indians rallied again under his half brother Diego Cristobal Tupac Amaru, who resided at Asangaro, north of lake Titicaca, and continued to prosecute the war with unabated vigor. The Indians, as we have seen before, were extremely anxious to reduce the town of Puno, from which they had been once repulsed by Orellana. Diego Cristobal renewed the attempt with greater obstinacy, and with talents, which, in more propitious circumstances, must have ensured success. He invested the town on all sides, occupying the heights which commanded it, and after several skirmishes at the outposts, made a simultaneous assault at several different points. The divisions of his troops, all acting in concert, drove the besieged up the streets to the very heart of the town; but here the Spaniards made a desperate stand; and at length, at the close of the day, forced the Indians to retire. Four days in succession were these animated assaults repeated with the most obstinate courage, before Diego abandoned the enterprise in despair, and retreated into Carabaya.

While these events were passing, Valle was endeavoring to relieve Puno. In his progress thither, he was repeatedly engaged with the Indians, who resolutely disputed every inch of the way, and who, although repeatedly vanquished, yet yielded most dear bought victories to the Spaniards. On one occasion, a small body of eighty Indians, when attacked, chose a voluntary death by throwing themselves over a high precipice, rather than ignominiously surrender to the Spaniards.

In consequence of these delays, before Valle reached Puno, it was again invested by Tupa Catari with a host of ten thousand Indians. The Indians prepared for battle; and Valle had the fairest prospect of success; but fearful of losing the fruit of his late victories, he imprudently ordered Puno to be evacuated by the reluctant and indignant Orellana, and fell back upon Cuzco.

Nothing could have been more ill judged than this movement. The Indians were enriched by the pillage of Puno and its dependent villages, where they found a hundred thousand head of cattle, together with other rich spoil. Shortly afterwards they completely routed a large body of Spaniards in Sicasica. Elated by success, Tupa Catari now concentrated all his forces, and bent his whole strength to the reduction of La Paz.

Here it was, that this extraordinary adventurer held his court. His actions were indicative of the mad caprice, which sudden elevation from the lowest condition to the highest, and the exercise of unlimited power, usually engender in the human breast. Surrounded with all the pomp of an Asiatic despot, he ruled the submissive Indians with an Asiatic despot's prodigality of life. To secure obedience to his mandates by the influence of terror, he established twentyfour places of execution in the circumference of the blockading lines. Never was the gallows unemployed. Indians who deserted from the city, those of his own soldiers and captains, who betrayed the least sign of cowardice, nay, of despondency, all who in any way thwarted his humor, were condemned to the gallows, and their execution precipitated, to take away the chance of repentance. No ties of religion or decency controlled his mind, and the Indians were at length shocked by his sacrilege and impiety. Their murmurs induced him, therefore, to assume a devout exterior. He caused a temporary chapel to be erected, in which, sitting beneath a canopy at the side of his queen, surrounded by ambassadors and by his principal officers, he celebrated mass with the most splendid and sumptuous ceremonials.

Nevertheless, the Indians still yielded him implicit obedience, and prosecuted the siege of La Paz under his orders, with a contempt of death, an assiduity, a patience of fatigue, never surpassed. Segurola had contracted his entrenchments

within the narrowest limits, leaving out all the suburbs of the city, on account of the smallness of the garrison. His only hope was in holding out until Don Ignacio Flores, who was collecting troops for that purpose in the province of Tucuman, should come to his relief. The Indians laid close siege to the place for one hundred and nine days, and scarce a day passed without a vigorous assault on their part, or a desperate sally of the Spaniards. The besiegers had six pieces of artillery, which caused the city great damage; but, impatient of delay, and enraged at the determined resistance they met with, they attempted to set fire to the city, resolving to burn it to the ground, if they could not obtain possession of it otherwise. When all other expedients failed the Indians, and they saw that the assaults and sallies only produced mutual carnage, without bringing the siege any nearer to a close, they promised themselves final success from the all conquering power of famine. The besieged were now reduced to the utmost extremity of distress, and must speedily have surrendered themselves and the smoking ruins of the city, had not Flores providentially arrived, at this very conjuncture, and saved La Paz from total destruction.

We will not stop to describe the march of Flores and his troops from Tucuman. Suffice it to say, that the name and the influence of Tupac Amaru had extended to the ridges of Salta and Jujui, and the whole Indian population was in arms for the Inca. The route to La Paz was a continued succession of battles. Even after passing the city of Chuquisaca, five sanguinary engagements took place, in one of which Tupa Catari himself commanded, and was routed with great slaughter. Finally, Flores arrived at La Paz and forced the Indians to raise the siege, but the relief, which he afforded the city, was of very short duration.

A considerable body of Indians encamped on a hill near the city. Flores and Segurola resented this, as an insult, and resolved to dislodge them. The Spaniards marched to the assault in three columns, commanded by their best officers; but were repulsed in such confusion, that scarcely a single man escaped uninjured. Flores, therefore, retreated to a post about four leagues from the city, and the vigilant Indians instantly resumed their old stations on the heights of La Paz. A portion of the Spanish force, also, the troops

from Cochabamba, contending that their term of service had expired, deserted about this time, and separated to their respective homes. All these circumstances compelled Flores to go in quest of new auxiliaries, and in the meanwhile to abandon La Paz to its fate.

During the progress of the first siege of La Paz, the trial and execution of Jose Gabriel Tupac Amaru and his family had taken place. When tortured by Areche, to compel him to disclose his accomplices, he nobly replied; 'Two only are my accomplices, myself and you, who interrogate me; you, in continuing your robberies upon the people, and I in endeavoring to prevent you.' A short sentence, says Pazos, which defines the nature of the Spanish government. The sentence of death was executed on him with a studied cruelty, disgraceful to the Spanish government in the last degree. His judges seem to have indulged in a spirit of personal vengeance, while pronouncing the doom of the law. He was forced to look on and behold the death of his wife, his children, and his kindred; his tongue was next plucked out by the hands of the hangman; and he was then torn asunder, limb from limb, by four wild horses. Such was the fate of a patriot and hero, who was only goaded into his attempt to vindicate the rights of his nation by arms, after the failure of reiterated efforts to procure a melioration of their condition by peaceable means. He perished a martyr to the cause of Peruvian independence, which it had been the darling wish of his heart to renovate, by overthrowing the Spanish tyranny, and reestablishing the empire of the Incas on its ruins. He did not fall unavenged. The savage vindictiveness displayed in the manner of his execution, worthy only of the ages of darkness and a government of barbarians, produced an effect directly contrary to that, which the Spaniards anticipated. The Indians fought, after this event, as if each individual had the death of his dearest kinsman to revenge; and the survivors of the family of Tupac Amaru soon signalised the deepness of their own resentment. His brother, Diego Cristobal, united and sustained the interests of the Indians no less effectually than he had done; and a new adventurer arose, Miguel Bastidas, otherwise named Andres Tupac Amaru, claiming to be the son, but being in fact the nephew of Jose Gabriel, whose superior talents and sanguinary character made him still more terrible to the Spaniards. Andres was at this time

only seventeen years of age; but he distinguished himself above all the Indian chiefs, by the siege and destruction of Sorata.

The Spaniards of the province of Larecaja had collected all their treasures in Sorata, where they entrenched themselves, and being well supplied with provisions and ammunition, courageously awaited the Indians. Andres Tupac Amaru, by the mere influence of the name he bore, gathered an army of fourteen thousand men, and beleaguered the town.

The Spaniards, unintimidated by his threats, made a brave defence, but were subdued at last by the laborious ingenuity of the Indians. A ridge of lofty mountains, called Tipuani, overlooked Sorata. Availing himself of the great number of men at his command, Andres Tupac Amaru dug a spacious dam on the side of the town, and conducted into it all the numerous mountain torrents of Tipuani, now swelled by the melting of the snows on its summit. When his artificial lake was filled, he poured out upon Sorata the immense body of water it contained, which tore up the entrenchments, washed away the houses, and submerged the whole town beneath an irresistible deluge. There was no longer any barrier to oppose to the impetuosity of the Indians. They rushed into the place as the water subsided, and in a sack of six days' duration, gained possession of an immense booty, and glutted their rage in the indiscriminate slaughter of the Spaniards.

After gathering the fruits of this important victory, Andres marched his forces to assist in reducing La Paz; and this now brings us back to the protracted siege of that ill starred city. Tupa Catari was much dissatisfied with Tupac Amaru's movement, who, he foresaw, would thus divide with him the glory of success, without having participated in half the labors of the siege. But after some altercation between them, they mutually agreed to bury their jealousy in the common zeal of assuring the triumph of their nation. The new siege presents a repetition of the same scenes, which marked the last, except that the ardor and obstinacy of the parties seem to have been augmented by the greater hope of success entertained by the one, and the increased peril of the other.

Flores in the meantime was diligently engaged assembling forces at Oruro, where an army of five thousand men was at length formed, consisting partly of regulars, partly of the

militia of Cochabamba, Charcas, Salta, Jujui, Valle, and Tucuman, and placed under the command of Don Jose de Reseguin. This officer was brave, prudent, cool, indefatigable, in short, every way worthy of the commission. He set forth on his march to La Paz without delay; and it was fortunate for the city that his progress was not much impeded; for La Paz was on the very point of yielding to the Indians. Instructed by the advantage they had obtained from the inundation of Sorata, they threw a strong dam across the river Chuquiaco, one of the sources of the main branch of the Amazon, which flows through the middle of La Paz. This huge mole was fifty yards high, a hundred and twenty long, and twelve thick at the foundation. Only two days before the arrival of Reseguin, the water burst away the embankment, and rose so high as to inundate the three bridges of the city. The terror, which this artificial flood inspired, and the probability of its being repeated with still worse effects, presented to the inhabitants the alternative of abandoning the city, or remaining exposed to the horrible catastrophe of Sorata. Such was the perilous condition of La Paz, when the waving of the Spanish banners on the distant heights, and the murmur of martial sounds, announced to the joyful inhabitants the approach of Reseguin and safety.

The Indians, conscious of their inability to cope with Reseguin, precipitately fled before him. Waiting at La Paz only three days to refresh his victorious troops, he pursued them, and overtaking them drawn up, as usual, on the upper side of a sloping ground, he joined battle without hesitation, and compelled them, after an obstinate struggle, to throw themselves among the ravines of the mountains.

After Reseguin's victory, universal consternation and despondency took possession of the Indians, in the place of their former energy and patriotism. Persuaded that all was lost, if they contended further, since every combat afforded fresh triumph to their enemies, they still distrusted the proffered clemency of the Spanish government. But finally, allured by the promises of Reseguin, Tupa Catari and Andres Tupac Amaru wrote letters to him from the place of their retreat, embracing the proposed conditions. Diego Cristobal Tupac Amaru sent, at the same time, to claim the benefit of the amnesty published at Lima, in favor, as well of the ordinary

insurgents, as of the authors and leaders of the insurrection. Reseguin, fearing some treachery, dexterously required these chiefs to make their submission in person. Tupa Catari was unwilling to do this without a safe conduct, but Andres came in with his principal adherents, and being very cordially received by Reseguin, made a formal capitulation, and swore allegiance anew to the king, as the condition of his own and his companions' pardon.

Although Reseguin possessed a robust constitution, his health had sunk beneath the hardships of the active service in which he was engaged, and he now labored under severe illness. Nevertheless, having set out for the districts, which still maintained a show of war, he persisted in marching thither, and entered the villages on the ready shoulders of the Indians, who, as basely humble in adversity as they were fiercely proud in prosperity, greeted his entry with their acclamations.

While these Indians were prostrating themselves at the feet of Reseguin, Tupa Catari was exciting those of Hachacachi to continue the war. Reseguin, considering the machinations of this chief the only obstacle to peace, resorted to artifice to obtain possession of his person. He corrupted Tupa Catari's most intimate friend, Tomas Inga Lipe, and by this means succeeded in making him prisoner. He was tried, condemned, and sentenced to the same punishment which Tupac Amaru had suffered. After being torn asunder by horses, his head was sent to La Paz, and his limbs distributed in various places, as a terror to the Indians.

The auditor of Chile, Don Francisco de Medina, was attached to Reseguin in quality of judicial adviser. He began by the premature imprisonment of Andres Tupac Amaru and his chiefs, who had surrendered under a solemn pledge of free pardon. This act was regarded by Diego Cristobal as a violation of the public faith; and he lost no time in stirring up the Indians anew in the provinces of Carabuco, Hachacachi, and Guarina. Had he improved this opportunity for attacking Reseguin, the attack must have been fatal to the Spanish general; for Reseguin was extremely sick; and his army, reduced to three hundred and ninety four men, by the desertion of the militia, was in no condition to withstand the Indians. But Diego let slip the propitious moment, and

it never again recurred. The Indians were grown weary of the contest, and in almost all the provinces about La Paz claimed the benefit of the indulgence, and delivered up their chiefs in evidence of the sincerity of their submission. Diego soon followed their example. Persuaded that the cause of his nation was hopeless, he sent a memorial to Don Jose del Valle, in the beginning of the year 1782, praying for the royal pardon, and was admitted to render the oath of allegiance at the Indian village of Siguani.

The flame of the revolution was nearly extinct; but it still sent forth a few broken flashes in the remoter provinces. The Indians of Los Yungas especially, and those of a valley called the Quebrada of the river Abaxo in Sicasica, and Chulumani, held out with great obstinacy. Arrogant with their many victories over the small detachments sent against them, they maintained a fierce and savage independence. At length Flores assembled a powerful force, and commissioned Reseguin to finish the war. This expedition was memorable for the many bloody victories gained in it over the Indians. Pazos describes the manner in which battles were fought, whenever the Indians and Spaniards met in open field; and it is easy to conceive from his description, that, as he says, the slaughter among the Indians in all the war was immense.

'They (the Indians) were ignorant of military discipline, had but few firearms, and were principally armed with slings. The royal army from Buenos Ayres, Tucuman, and Cochabamba, consisted of regular troops. The Buenos Ayreans were armed and equipped like European soldiers; the Tucumans composed the cavalry, and were armed with butcher knives, and ropes from twentyfive to thirty yards long, which they used in catching wild cattle. The arms of the Cochabambians were short clubs loaded with lead, to which a rope of two or three yards in length was fastened, and which were used like slings, and were very deadly weapons. The Indians were scattered all over the plains, in no regular order or ranks, and were nothing more than an undisciplined and unarmed mob. The mode of attacking them was as follows. The Tucuman horsemen first rode among the Indians and threw them down with their ropes, and the Cochabambians followed with their clubs and despatched them.' *Letters to Mr Clay*, p. 254.

The battle of Hucumarimi, being the most obstinately disputed of all that were fought during the revolution, and the most successful for the Spaniards, acquired the name of the

decisive. The country here was broken into precipices, irregular acclivities, and *quebradas*, among which, on the side of a mountain, the Indians had encamped. The impediments, which they threw in the way of an attack, were enough to appal the stoutest hearts. Scarcely had the Spaniards begun the ascent, when, as in other similar engagements, of some of which we have already given an account, showers of stones, mingled with great masses of rock broken off by levers, and rolled down the sides of the mountain, filled the assailants with consternation. In spite of all this, by almost superhuman exertion, climbing from cliff to cliff, they succeeded in driving the Indians from their seemingly impregnable post. The Indians were struck with superstitious dread. They thought the Spaniards fought by enchantment. No longer making any systematic resistance, they were hunted like wild beasts by the Spaniards from mountain to mountain, among the fastnesses of this rugged region.

Everything now conspired to put an end to the insurrection. Leaders were no more, except Diego Cristobal Tupac Amaru, and he, although he submitted under the formal guarantee of an amnesty, and continued to live tranquilly in his family, was afterwards, through a base and insidious policy, arrested under the pretext of a new conspiracy, and executed in the same cruel way with his brother and Tupa Catari. The great body of the Indian population quietly returned to vassalage, and resumed the yoke of slavery. Such was the issue of an insurrection, which filled Peru with bloodshed and misery for the space of two years, and of a war, in which, if we may believe the authority of Don Vincente Pazos, himself a native of La Paz, one third of the whole population of Peru perished by the hand of violence. Twenty years after these events happened, this enlightened and patriotic South American saw the plains of Sicasica and Calamarca, for an extent of fourteen leagues, covered with numberless heaps of unburied human bones, lying in the very places where the wretched Indians fell, to bleach beneath the tropical dews. Their unfortunate attempt produced no permanent or important change in their condition. None of their grievances were abolished, except the *repartos*. They were rigidly prohibited the use of arms. The tribute pressed more heavily afterwards, because it was more strictly levied; the *mita* was

the more unmercifully apportioned, because all risk of opposition was removed; and they were treated the more contemptuously, in revenge of their unsuccessful and disastrous rebellion.

What permanent effect the recent revolution may have upon the condition of the Indians, cannot as yet be satisfactorily ascertained. Thus far, the tendency of it has been highly favorable to them, and there is every cause to believe it will continue so hereafter. The independence of a part of Peru is not yet sufficiently confirmed to have allowed the temporary governments, which have succeeded one another there, to do much for the internal improvement of the country; but in the districts formerly dependent on Buenos Ayres, something is already accomplished. The revolution has swept away at once the old distinctions, which the colonial system created and maintained. At the cry of liberty, the degraded casts rose simultaneously to vindicate their title to the rights of men and of freemen, all equally inspired with enthusiasm in the cause of independence, and admitted on equal terms to unite with the patriotic Spanish Americans in establishing a free representative government. The creoles are all natives of the country, in common with the Indians, and common tenants of the soil. It is their home. They do not come there across the ocean, for the purpose of realising a sudden fortune by rapacious exactions, and then returning to pour out their ill gotten gold into the lap of Spain. Their interest, on the contrary, is inseparably united to their native soil, and it will be their anxious endeavor to free South America from the infamy of its barbarous laws against the Indians; laws as fatal to the future prosperity of Peru, as they have been derogatory to the honor and humanity of its Spanish rulers.

ART. IV.—1. *Fundamenta Astronomiæ pro anno* MDCCLV, *deducta ex observationibus viri incomparabilis James Bradley in Specula Astronomica Grenovicensi per annos* 1750—1762 *institutis.* Auctore FRIDERICO WILHELMO BESSEL, Acad. Berol. Atque Petrop. Sodali, Instituti Gallici Corresp. Regiomonti, 1818. T. 1. pp. 328.

2. *Tables Astronomiques publiées par le Bureau des Longitudes de France, viz.*

Tables de La Lune. Par M. BURCKHARDT, Membre de l' Institut, etc. Paris. 1812.

Nouvelles Tables de Jupiter et de Saturne, calculées d'apres la théorie de M. Laplace, et suivant la division décimale de l'angle droit. Par M. BOUVARD. Paris. 1808.

Tables écliptiques des Satellites de Jupiter, d'apres la théorie de M. le Marquis de Laplace, et la totalité des Observations faites depuis 1662 *jusqu' à l'an* 1802. Par M. DELAMBRE. Paris. 1817.

3. *Tables.* By B. DE LINDENEAU, viz.

Tabulæ Veneris novæ et correctæ, etc. Gothæ. 1810.

Tabulæ Martis novæ et correctæ, etc. Eisenberg. 1811.

Investigatio nova orbitæ a Mercurio circa solem descriptæ accedunt Tabulæ Planetæ, etc. Gothæ. 1813.

4. *Mémoire sur la figure de la Terre.* Par M. DE LAPLACE, Mem. Acad. Sciences. Paris. 1817, 1818.

THE science of Astronomy offers to our contemplation some of the most powerful efforts of the human mind. Copernicus, by the discovery of the motion of the planets about the sun; Kepler, by his elliptical theory, and the laws regulating the motions and distances of the planets, with the times of their periodical revolution; finally, Newton, by the discovery of the theory of gravity, opened the way for all the improvements, which have lately been made in this science. In the *Principia*, published in 1687, Newton pointed out the origin of the inequalities of the motions of the heavenly bodies, which had then been discovered by observation, and deduced others from the theory of gravity. No material alteration was made in his methods for more than half a century. Then began a new epoch in Astronomy, and the history of that science, for the last hundred years, will be forever memo-

rable for the unexampled activity and great discoveries, which have been made. So important have been the labors of the practical astronomers, that a complete system of the planetary motions might be deduced from the observations made during this time; and if all the previous observations, even to the most remote antiquity, were lost, the effect on the tables of the sun, planets, and satellites, would hardly be perceived, since the great accuracy of modern observations more than compensates for the shortness of the interval. It is proposed in this article to give a short account of some of the most noted discoveries during this period, to take a slight view of the latest and most correct tables of the motions of the planets and satellites, and to make such remarks on the labors of astronomers and mathematicians, as may be necessary in the notices of the works proposed to be reviewed.

The career of modern improvement was begun by Dr Bradley, one of the most indefatigable astronomers of the last century. He was remarkable for his skill and accuracy, in tracing those minute changes in the places of the heavenly bodies, which had so much perplexed the astronomers who preceded him, and his labors were crowned with the most brilliant success, by the discovery of the Aberration of light and the Nutation of the earth's axis. His observations were so numerous, accurate, and important, that he may justly be placed in the same rank with Hipparchus and Tycho, the greatest and most accurate observers of ancient and modern times. He published an account of the aberration and nutation. His observations of the moon were also made public, and used by himself and others, in comparing and improving the lunar tables. A table of the places of 389 fixed stars was likewise deduced from his observations, and published by Dr Hornsby, but the great body of his observations, made at Greenwich while he was astronomer royal, were taken from the observatory by his executors, under the pretence that they were his private property, with the expectation of being paid for them by the government. A suit having been commenced for their recovery, the executors, in order to avoid it, presented them to Lord North, (so well known in the history of the American Revolution,) who gave them, in the year 1776, to the University of Oxford, of which he was Chancellor, upon the express condition, that they should immediately be

printed and published. But to the great disgrace of the University, and of Professor Hornsby, who had charge of the papers, they were withheld many years, notwithstanding the repeated solicitations and remonstrances of the Board of Longitude, who, in 1796, published several spirited resolutions, under the form of an appeal to the public, upon this very improper conduct. These observations were made between the years 1750 and 1762, but it was not till the year 1798 that the first volume was published, and the whole was not completed till the year 1805, almost half a century after the observations had been made; and during the whole of this time, while unexampled progress was making in all branches of astronomy, these invaluable observations, which would have facilitated very much the calculations of astronomers, were lying almost useless.

But it may well be questioned whether this delay will, on the whole, be any disadvantage to the future progress of astronomy. For if these observations of the stars had been published soon after Bradley's death, they could not then have been reduced so accurately, as at the present moment, because the precise values of the small reductions to be made to the observations for precession, nutation, aberration, and refraction, were not so well known, and it was not then usual to take such pains in computing and combining together many observations. Moreover, if the great labor of reducing the observations had been once gone through, even in a somewhat imperfect manner, it is probable that no one would have undertaken a new revision, as is the case with Flamsteed's observations. But, at the time of the publication of the observations, a considerable degree of interest had been excited, from the difficulties attending them, and this, with the well known accuracy of Bradley, was sufficient to procure an early and careful examination. Fortunately, at that time Bessel, the present astronomer royal at the observatory of Konigsberg, had just relinquished his mercantile pursuits, and with great success had devoted himself to astronomy. Having been furnished with a copy of Bradley's observations by Dr Olbers, he voluntarily undertook the task of reducing them, and no one was better qualified to do it, since he possessed, what is rarely united in the same individual, mathematical talents of the very first order, with great accuracy in

observations. The result of his labors is the important volume mentioned at the head of this article.

This work is divided into thirteen sections, in which Bessel successively treats of the various subjects connected with Bradley's observations, namely, the Instruments he used, and the corrections to be made to them. The Right Ascensions of his fundamental stars compared with the sun near the equinoxes. The Latitude of Greenwich. The Refraction of the heavenly bodies, deduced solely from Bradley's observations, combining them together by an excellent theory, and with tables for the calculation, being more accurate than any tables of refraction, that had before been used by astronomers. The Obliquity of the Ecliptic from the observations of the solstices from 1753 to 1760. The Aberration of the fixed stars, with tables peculiarly adapted to the reduction of Bradley's observations, and an investigation of the quantity of the aberration, deduced from a great number of those observations, by which it would seem that the value of the aberration as found by Delambre, from the Eclipses of Jupiter's satellites, ought to be increased about a fortieth part. The Precession of the Equinoxes and Nutation. The Parallax of the fixed stars, which, by comparing a great number of Bradley's observations of the right ascensions of two stars on opposite meridians, (by which the effect is nearly doubled,) seems to be insensible.

But the most important part of the work is his excellent catalogue of 3222 fixed stars, in which the situation of each star is most commonly ascertained by several observations. In this catalogue he has given Flamsteed's numbers, their characters and magnitudes, also their right ascensions and declinations for the year 1755, with the annual precession for 1755 and 1800. The differences between the places of the stars and those in Piazzi's catalogue are likewise noted, with various references to other authors, who have observed the same stars. To this table is subjoined a smaller one of *forty eight* stars, observed by Bradley, which cannot now be found in the places where he had marked them. Several were, without doubt, inserted by mistake, like that of writing down a wrong hour or minute of the time of observation, as is evident from the remarks on this table by Bessel, Burg, and Burckhardt, in Zach's *Monatliche Correspondenz.* One

of these missing stars was, however, the planet Uranus, which was observed by Bradley, Dec. 3, 1753, and marked as a fixed star, without the least suspicion of its being a planet; he being less fortunate in this respect than Herschel, who, about thirty years afterwards, by repeating his observations on successive nights, detected its planetary nature by the change of place. Finally, Bessel devotes one of the sections of his work to the consideration of the proper motions of the *fixed* stars, and pursuing the observation of Herschel, directs his attention, particularly, to the double stars, some of which indicate a *mutual attraction between each other, and a revolution about their common centre of gravity.* This is particularly the case with the star 61 Cygni, which is estimated by Bessel to perform its revolution in 350 years. The double star ξ Ursæ Majoris, in 60 years, the double star p 70, Serpentarii, in about 50 years, and many others, noticed by Herschel and since by Struve, who has lately made many observations on such stars at the observatory of Dorpat.* J. W. Herschel has also given a valuable paper on these stars.

Bradley's chief excellence consisted in noting, with unexampled accuracy, the times of the transits of bodies over the meridian and their zenith distances, and he was not remarkable for noticing celestial phenomena of a different nature, neither were his mathematical talents of the first order.

To form some idea of the accuracy of Dr Bradley's observations, and to shew at the same time what is now required of a first rate observer, it is only necessary to compare the results of the transits of fixed stars of the first and second magnitude, observed during one night, for the purpose of fixing the rate of the clock. From the mean of *twelve* observations of this kind, Bessel found the error of the clock to be about seventeen seconds and one *fifth* part of a second; *nine* out of *twelve* observations did not differ *one tenth* of a second from the mean result, and the greatest difference did not exceed *one third* part of a second. The same degree of accuracy exists also in his right ascensions of the stars, since

* It is rather strange that one of the best Observatories in Europe, as that at Dorpat undoubtedly is, should be situated in so high a latitude, being on the same parallel with the cold regions of Siberia. Notwithstanding this, the indefatigable Struve, overcoming the difficulties of the climate, has, in the course of a few years, published several volumes of excellent observations, which he has made at that place.

the results of successive years, when reduced to the same epoch, differ from each other but a small fraction of a second. His measures of zenith distances of the heavenly bodies were equally correct. An instance of which may be mentioned in the obliquity of the ecliptic for January 1, 1755, determined by the observations of fifteen solstices, from 1753 to 1760, to be 23° 28 15.″44, and *eleven* out of the *fifteen* observations did not differ a single second, and the extreme difference was less than 3 seconds. Moreover, he found the observations of the summer solstices gave the same result as those of the winter, and, in this respect, his observations were free from the noted error, which existed for many years in those of his successor, Dr Maskelyne, who found, about the year 1795, the summer solstice gave for the obliquity 4 or 5 seconds more than the winter solstice, and a similar difference having been observed about that time by Piazzi, the question was started and much discussed, to account for this difference, and various hypotheses were proposed for that purpose. Among them the one that seemed most plausible was, that the refraction of the *sun's* rays was different from that of the *fixed stars*, and, as the tables of refraction were founded on observations of the stars, a modification was proposed for solar observations. This discussion continued several years, and the true cause was not discovered, till Bradley's observations were published. It was then found by Bessel, that no such difference existed in the observations made by Bradley, when the instrument was new; that the error was not perceptible till the instrument had been used many years by Dr Maskelyne, and had become defective by constant use, so that at length there was an error of nearly 3″ in the measure of these angles. Upon procuring a new circular instrument, this difference in the observations of the solstices ceased, and astronomers were enabled to determine the obliquity to a great degree of accuracy, which is a very important point, since this element enters in some way or other into almost every calculation of astronomy, and a change of a few seconds would, in some cases, affect the calculations considerably.

While Bradley was making his observations in Greenwich, his cotemporary, Tobias Mayer, was devoting his short, but extremely laborious and useful life, to the same pursuits in Got-

tingen, and with great success. Mayer's lunar tables, for which his widow received a large reward from the Commissioners of Longitude of Great Britain, first gave the moon's place in the heavens with sufficient accuracy to determine the longitude at sea, which has conduced so much to the safety and rapidity of modern navigation, and to the immense improvements, which have been made in geography within the last fifty years. Mayer possessed much more mathematical knowledge than Bradley, but had not his fine *tact* in observing, neither were the instruments he used so perfect.

About the same time that Mayer and Bradley were observing in the northern hemisphere, La Caille, at the Cape of Good Hope, was forming his catalogue of ten thousand stars of the southern hemisphere. His labors were immense, and it has been asserted, that he made more observations and calculations, than all the astronomers of his time taken together.

The taste for making improvements in the instruments and in the methods of observing, which began with Dr Bradley, has continued to the present time, and a regular series of observations has been obtained, from which new and complete tables of the motions of the planets and satellites have been formed, exceeding all expectation; so that an astronomer could now predict, for a thousand years to come, the precise moment of the passage of any one of those bodies over the meridian wire of the telescope of his transit instrument, with such a degree of accuracy, that the error would not be so great as to remove the object through an angular space corresponding to the semidiameter of the finest wire that could be made; and a body, which by the tables ought to appear in the transit instrument in the middle of that wire, would in no case be removed to its outer edge. In this work of improvement there were many cooperators, and the artist, by the perfection of his instruments, the astronomer by his observations, and the mathematician by his analysis, have mutually assisted each other. With the excellent instruments, made by Graham, Dr Bradley discovered that apparent motion of the fixed stars, which depends on the nutation of the earth's axis, and soon afterwards D'Alembert explained, upon correct principles, the physical causes of that motion, and gave formulas for computing it, shewing at the same time,

that the apparent motion of the pole of the earth was not in a circle, as Bradley and Machin had supposed, but in an ellipsis of considerable eccentricity. Many instances of a similar nature have occurred during the last century, and it has almost always happened that the English have furnished the best artists, the best instruments, the best practical astronomers, and the best observations, except in the case of the four small planets, lately discovered, while their continental neighbors, particularly the French and Germans, have made the improvements in analysis, and the deductions from the English observations, which were necessary for the computation of the present accurate tables of the motions of the heavenly bodies.

The decided superiority of the English artists in the construction of astronomical instruments, for the measure of angles, has been generally acknowledged by all the astronomers of Europe. So long ago as the year 1736, when the French Academicians were sent to the north to make observations for ascertaining the figure of the earth, the famous English artist, Mr Graham, was thought the fittest person in Europe to supply them with instruments. No greater proof of his superiority could have been given, than his being thus employed by the ministers of a rival nation in a work of such celebrity. Graham and Bird furnished the instruments for the observatory of Greenwich, when Bradley was appointed astronomer royal, and the same instruments were afterwards used by Dr Maskelyne in making his important observations. Bird's mural quadrants were famed over all Europe for their accuracy. He made them for the observatories of Greenwich, Paris, Petersburgh, Oxford, Manheim, Gottingen, Cadiz, &c. To him succeeded Ramsden, whose skill as an artist far surpassed that of any other man of his time. The mural quadrant he made for the observatory at Blenheim, was considered a most excellent instrument, and his meridian circles were still more complete. He made one of these circles for Piazzi at Palermo, with which that celebrated astronomer made the observations for his great catalogue of the fixed stars. He also made that, which Dr Brinkley is now so successfully using at the observatory of Dublin. His great theodolite, used by General Roy in the survey of the English coast, is famed for its accuracy and completeness.

Ramsden invented the dividing machine to graduate the arcs of sextants, and made equatorial instruments upon a large and much improved plan. Having married a daughter of John Dollond, he became possessed of a part of his patent right for the manufacture of achromatic telescopes, first brought into use by Dollond, by a method of construction to which he had been led by the suggestion of Euler, for correcting the colored images in a somewhat similar manner. The application of these telescopes to transit instruments was an important improvement. Ramsden furnished the observatories of Blenheim, Manheim, Dublin, Paris, Gotha, &c. with some of these meridian telescopes, remarkable for the excellence of their object glasses. With that in the Dublin observatory stars of the fourth magnitude may be seen, when passing the meridian, in the open day, and those of the third magnitude even when very near their conjunction with the sun. He carried the principle of division of labor to a great extent, and while employing above sixty persons, he always confined the same workmen to the same branch, and by that means attained the greatest correctness and nicety in the execution. His instruments were in such demand, in every part of the world, that he was unable to execute all the orders he received, and it was not uncommon to be obliged to wait for them several years. The flights of his genius were as uncertain as those of a poet, and not to be regulated by times and seasons. He usually made a model of any important instrument, in which a new principle of construction was introduced, and would take apart his favorite foreman to set down leisurely 'and find fault with it,' and if any defects were discovered, some new method was adopted.

After the decease of Mr Ramsden, which happened in 1800, Mr Troughton was considered the most skilful artist of the kind in England. He made many excellent instruments. His *chef-d'œuvre* is the complete circle, made for the observatory at Greenwich, and fixed up since Mr Pond was appointed astronomer royal. It is said that nothing can exceed the accuracy of this instrument. Advanced age makes him unwilling to undertake to construct others of the same kind. For, upon being applied to by Harvard University, to make a circle and sextant exactly similar to those

just erected at Greenwich, he declined, observing jocosely to some one, that it was impossible, unless he could obtain a *new lease* of his life. He made several of the beautiful and accurate instruments for the government of the United States, under the direction of Mr Hasler. It is to be regretted, that no better use is made of them than to lock them up, after some have been spoiled, like articles of curiosity in a museum. The person who seems destined to take the place of Mr Troughton is Mr Thomas Jones, who has already made several valuable instruments, particularly those for the new observatory, erected by the English government, at Parramatta in New South Wales.

About the commencement of the present century, Reichenbach, in Germany, began to make excellent astronomical instruments of various kinds, which he sold at a moderate rate, and supplied several observatories on the continent of Europe. The graduation of his instruments was made with the utmost accuracy, and would compare in every respect with the works of the best English artists. His repeating astronomical circles have been highly spoken of. This instrument was invented by Borda, and much used by the French astronomers, particularly in their late measurement of the earth, between Dunkirk and Barcelona. Reichenbach has lately retired from business, and established himself at Vienna with a different occupation.

The optical instruments of Fraunhofer in Germany are highly recommended. The achromatic telescope, which he has lately constructed for the observatory of Dorpat, of above 14 feet focal length and 9 inches aperture, is spoken of as one of the most complete instruments of the kind ever made.

The English have not less excelled in the construction of Instruments of Reflection, so necessary for finding the latitude and longitude at sea. They were first brought into use by Mr John Hadley. The invention has also been claimed for our countryman, Thomas Godfrey. The truth, however, is, that neither of them was the *first* inventor, for Newton, many years before either of them, had explained the principles of this instrument, in a paper in his own handwriting, communicated to Dr Halley, which was found after his death, and laid before the Royal Society of London in 1742. The instruments were first made in the form of an octant, after-

wards, for the purpose of lunar observations, the arch was extended to a sextant. Finally, to obtain a multiple angle, Mayer proposed to make them of a circular form, and this construction was afterwards improved by Borda and others. In general, the circular instruments of Borda's form *have not been well made in England*, it has not been a favorite with them. The construction of Troughton, in which the principle of obtaining a multiple angle is lost, has been preferred, and English circles of this form have generally been found to be excellent.

The English have likewise excelled very much in the construction of chronometers and clocks. The rewards granted by the British government, for the improvements in the construction of chronometers, have been very splendid. Harrison received twenty thousand pounds sterling, Arnold, Earnshaw, and Mudge, each three thousand pounds. Several who had made improvements did not apply for the reward promised by the Act of Parliament, as Brockbank, Hardy, Emery, Grimalde, &c. In this department the French have likewise produced eminent men, as Le Roy, Berthoud, &c.

In the construction of reflecting telescopes, Herschel, a German by birth, but an Englishman by adoption, excelled all others in the great magnifying powers of his instruments, with which he made his important discoveries. No telescopes so powerful as his were made in any part of the continent of Europe, and it is only with such instruments that some of his observations can be repeated. For instance, the satellites of Uranus cannot be seen, except by one of his most powerful reflectors, so that but very few astronomers have an opportunity of viewing them. Previous to Herschel's time, Short had made many valuable telescopes, particularly one for the King of Spain in 1752, for which he received twelve hundred pounds sterling; but not one of these instruments would compare with the large ones made by Herschel.

With the assistance of such artists, it was to be expected that the English astronomers would excel all others in their observations of the heavenly bodies, and such has been the fact, except in the observations of comets and the new planets. Indeed, the single observatory of Greenwich has alone done more for the improvement of astronomy, since the time of its erection in 1675, than all the other observatories in

Europe taken together, and what Baron de Zach observes upon this subject is not much exaggerated, when he says, 'that if any one should assert that our astronomical tables would be equally perfect, if the other *hundred and thirty* European observatories had never existed, he would be very well able to support his assertion, although at first view it might appear quite extravagant.' The instructions given to the first astronomer royal, and to his successors were, 'That they should apply themselves with the utmost care and diligence to verify the tables of the motions of the heavens, and the places of the fixed stars, in order to find the so much desired longitude at sea for the perfecting of the art of navigation.' These instructions have been most faithfully obeyed, by furnishing an almost uninterrupted series of the best observations for one hundred and fifty years.

Flamsteed received the first appointment of astronomer royal at Greenwich in 1675, and continued till his death in 1719. The result of his labors was published in his *Historia Cœlestis Britannica* in 1725, in three large folio volumes, containing, besides other matter, his observations on all the heavenly bodies, and a catalogue of the right ascensions, polar distances, magnitudes, &c. of about 3000 fixed stars, with a preface giving an account of the observations made before his time; a new Latin version of Ptolemy's catalogue of 1026 stars; and Ulegh-Beig's places annexed; a small catalogue of the Arabs; Tycho Brahe's of about 780 fixed stars; the Landgrave of Hesse's of about 386; Hevelius's of 1534; and a catalogue of some of the southern fixed stars not visible in our hemisphere, calculated from the observations made by Dr Halley at St Helena, adapted to the year 1726. Flamsteed's observations were made with the best instruments then in use, particularly a large mural arch of seven feet radius, but none of them would compare in accuracy with those afterwards introduced by his successors, and on this account his labors are much less important than they otherwise would have been. Moreover, the aberration and nutation not having been discovered and allowed for, when his observations were reduced, they are liable to the errors arising from these causes.

Upon the death of Flamsteed, in 1719, Dr Halley was appointed to succeed him, being then about 63 or 64 years of age.

For the space of eighteen years he watched the heavens with the closest attention, devoting himself particularly to make observations of the moon during the period of a revolution of the nodes, which he completed notwithstanding his great age. His observations were not published, but from them and Flamsteed's he formed tables of the motions of the heavenly bodies, which, for nearly fifty years, were the best extant. It was he who first proposed to determine the sun's parallax by the transit of Venus in 1761, and he was the first who predicted the return of the comet, which bears his name. In the year 1676, when only twenty years of age, he went to St Helena to make a catalogue of the southern stars, which he completed in about two years. In the year 1699, he made another voyage, in a public armed vessel, under his command, (having been appointed without any previous service, contrary to the established *etiquette* in the navy,) in order that he might go to the Southern Ocean to observe the variation of the magnetical compass, upon which he had before given a theory, and, in 1701, he published a general chart, showing the variation of the compass in most parts of the world. To Halley, the world is, in some measure, indebted for the publication of Newton's Principia; it was done at his intercession; he had the whole care of the first impression, and prefixed to it a discourse of his own, giving a general account of the astronomical part of the work.* He published many valuable papers on almost every subject of science; as an engineer he was extremely skilful, and was employed by the emperor of Germany and other sovereigns of Europe. His salary, as astronomer royal, was merely one hundred pounds sterling per annum, being the same that Flamsteed had received. Upon a visit, that Queen Caroline made to the observatory, it was proposed to have this sum increased, but his answer was, 'I pray your Majesty do no such thing;

* It is a curious fact, that when the Jesuits, Le Seur and Jacquier, published their edition of Newton's Principia with notes, they had virtually to disavow the belief in the earth's motion about the sun, and, like Galileo, were almost compelled to consider it as a damnable heresy, according to the previous decisions of the sovereign Pontiff. The following declaration is in the third volume of their edition, printed at Geneva in 1742. 'Newtonus in hoc tertio libro telluris motæ hypothesim assumit. Autoris propositiones aliter explicari non poterant, nisi eâdem quoquè factâ hypothesi. Hinc alienam coacti sumus gerere personam. Cæterum latis à summis Pontificibus contrà telluris motum Decretis nos obsequi profitemur.'

for should the salary be increased, it might become an object of emolument to place there some unqualified, needy dependant, to the ruin of the institution.' This advice was the more disinterested, as Halley was not rich. He died in the year 1742, at the age of 86 years.

Dr Bradley succeeded Dr Halley, as astronomer royal, February 3, 1742, but the imperfections of the instruments prevented him from doing much till the year 1750, when the new instruments made by Graham and Bird were fixed up. Those made by Bird were a transit instrument of 8 feet radius, a mural quadrant of 8 feet, and a portable quadrant of 40 inches; those by Graham were the 12 feet zenith sector, with which Dr Bradley had discovered the aberration and nutation at Wanstead, an astronomical clock, and an equatorial sector. There was also a six feet Newtonian telescope by Short. With these excellent instruments Bradley observed the heavens till the time of his death, which happened twelve years afterwards, and with the help of his assistants Charles Mason, and his nephew John Bradley, observed 35,000 transits of the stars and planets over the meridian, 24,000 zenith distances with the quadrants, and 1500 zenith distances with the sector. These are the observations which Bessel reduced, as has been already mentioned, and none comparable to them in accuracy had ever before been made. Dr Bradley may be considered as a perfect model of an observing astronomer. He had a robust constitution and was extremely active. He was mild and gentle in his manners, silent, retiring, and industrious; he had taken orders in the church, and during his residence at the observatory the living of the church at Greenwich became vacant and was offered to him, but was refused from a conscientious scruple, 'that the duty of a pastor was incompatible with his other studies and necessary engagements,' upon which occasion the king granted him a pension of two hundred and fifty pounds sterling in addition to his original salary, which has been since regularly continued to the astronomer royal.

His successor, Dr Bliss, was wholly unworthy of the office of astronomer royal. The account of his life by La Lande is comprised in less than a dozen words, 'Bliss était astronome royal; il mourut en 1765.' It is almost inconceivable how any one, following so immediately after Bradley, could

have caught so little of his spirit. During the thirty months in which he held that office, he made no observation with the zenith sector, and only 41 zenith distances of the stars with the quadrants. None of these observations could be called good. The instruments seemed almost to have changed their nature under his direction, and the clock, which, with Bradley's careful management, went better than ever had been known in any observatory, became, by his carelessness, an indifferent measurer of time.

Dr Maskelyne was appointed astronomer royal in 1765, and continued in the office till his death in 1811, a period of 46 years, with the highest credit to himself and honor to his country. Like Flamsteed and Bradley he had taken orders in the church, and, early in life, officiated in the curacy of Burnet. In his manners he was modest, simple, and unaffected, and exemplary in the discharge of every duty.

In 1761 he went to St Helena to observe the transit of Venus, and in the course of that voyage, and of one he subsequently undertook to Barbadoes to determine the rate of going of Harrison's time keepers, he exercised himself and the officers in taking 'lunar observations,' and was the first who brought that method into common use, by procuring the publication of the Nautical Almanac, the first number of which was published in 1767, and he lived to complete the fiftieth number, a lasting monument of his labor and usefulness. He likewise published the 'British Mariner's Guide,' and the 'Requisite Tables,' which contain the principles of the improved methods of finding the longitude at sea. He will, however, be most known to posterity by his observations on the heavenly bodies, the first volume of which was published in 1765, and they have been continued annually since. This important collection of about 90,000 transits over the meridian, and 26,000 zenith distances, has been justly called by La Lande, 'le recueil le plus précieux que nous ayons.' It is sufficient to say that the observations are equal to Bradley's. The solar tables of Delambre, and the lunar tables by Burg and Burckhardt, are grounded chiefly upon them.

Upon the publication of those tables, in 1806, the Board of Longitude of France ordered a number of copies to be presented to Dr Maskelyne, as a grateful acknowledgment for the important assistance derived from the Greenwich ob-

servations. The letter accompanying this present is highly honorable to that Board, as well as to Dr Maskelyne, taking into consideration that the two rival nations were then carrying on the war with a bitterness, which allowed but very little intercourse with each other.*

Dr Maskelyne devoted much time to the improvement of his catalogue of the right ascensions and declinations of 36 principal fixed stars, called 'fundamental stars,' or '*Dr Maskelyne's* 36 *stars*,' which were used by all the astronomers of Europe in forming their catalogues, or in ascertaining the right ascensions and declinations of other fixed stars, by observing the differences in right ascensions and declinations. This catalogue was the basis of all the calculations of astronomers. The place of every fixed star in the heavens, and all the tables of the planets and satellites depended upon it. It was believed to be free from any sensible error, and astronomers were much surprised in the year 1802, when Dr Maskelyne proposed to increase all the right ascensions by *one quarter of a second* of time, or about four seconds of space. Delambre speaking of this subject says, 'Ce changement, qui tient à une si petite fraction, causa cependant *une espèce de fermentation dans les esprits* des astronomes.' Nothing could place in a stronger point of view the general confidence in the accuracy of Dr Maskelyne's table, than the excitement caused by a change of this kind, which was in fact so small as to be almost imperceptible to the senses. For though in observations the time is usually marked to tenths of a second, for the

* The following is a copy of this letter;

'Institut National, Classe des Sciences Physiques et Mathématiques, Paris, le 20 Fevrier, 1806. Le Secrétaire perpétuel pour les Sciences Mathématiques à Monsieur Maskelyne, Astronome Royal et Membre de la Société Royale de Londres. Monsieur, et respectable Confrère.

Le Bureau des Longitudes me charge de vous offrir sept exemplaires des tables qu'il vient de publier. Cet hommage de sa haute estime et de sa reconnoisance étoit bien dû à l'auteur *du plus grand et du plus précieux recueil d'observations qui existe.* C'est à cette source que nous avons puisé Monsieur Burg et moi pour la plus exacte determination des coefficiens des equations lunaires et solaires, c'est là que nous avons trouvé la confirmation des inégalités que la théorie peut bien indiquer, mais dont la valeur ne pourrait etre fixée que par des calculs qui sont encore au dessus des forces de l'analyse; enfin *c'est à vous que nous devons la connoisance des mouvemens moyens* et de toutes les constantes que l'observation seule peut donner. Recevez donc avec bienveillance, un ouvrage auquel vous avez si puissamment contribué. Nous serons trés flattés si vous jugez nos tables dignes d'être employées aux calculs du Nautical Almanac, suivant l'apparence que nous en donne votre dernier préface.' DELAMBRE.

convenience of the decimal notation, yet it is not pretended to estimate it to a greater degree of accuracy than two tenths or one fifth of a second, which can easily be done, since we can very distinctly count *five* in one second of time. A similar discussion is now carried on between Pond, Bessel and Brinkley, relative to the declinations given in this catalogue. All three of these astronomers have observed the places of these stars, with the best instruments that can be made, and yet the declinations of Pond and Bessel differ nearly four seconds throughout the whole catalogue. No satisfactory explanation has yet been given of this remarkable fact. It is some consolation, however, to find the error reduced within the narrow limits of *four* seconds. Among the ancients, even when astronomy had made considerable progress, as for example, in the time of Hipparchus, an error of *four thousand* seconds was not uncommon in some of their observations.

Upon the death of Dr Maskelyne, in 1811, Mr Pond was appointed astronomer royal. Since his accession three new instruments made by Troughton, with all the latest improvements in the construction, have been fixed up in the plane of the meridian, namely, a ten feet mural circle, a ten feet transit instrument, and a zenith sector. With these instruments he is now busily occupied, following successfully in the path of Dr Bradley and Dr Maskelyne, and fully supporting the high rank of the observatory, over which he has the honor to preside.

The royal observatory at Paris was built about the same time with that of Greenwich, and is a much more splendid and costly building, nearly two millions of livres having been expended upon it; but in the construction the architect was consulted rather than the astronomer, and hardly anything about it is convenient. Nearly a century after it was erected, Cassini had to fix up an apartment, so that a heavenly body could be observed during the whole time of its being visible above the horizon. No regular series of observations have been made there and published, as at Greenwich, but many useful observations have been made at this, and at the other observatories in Paris. The catalogues of stars by La Caille, and Le Monnier, and the observations of D'Agelet and Français de la Lande may be particularly mentioned. The *Histoire Céleste Française* contains the observations of

50,000 stars by the last mentioned astronomer, the nephew of the famous Jerome de la Lande. This is an immense work, the labor of twelve years, and if these observations have not the high degree of accuracy, which is obtained in those of Bradley and Piazzi, they will still be much referred to by future astronomers, on account of the many small stars which are noticed, which are not to be found in the works of other astronomers. Of the catalogues published in other parts of the continent, the most noted are Mayer's of 992 stars observed at Göttingen; Zach's of 381 stars and the declinations of 195 stars observed at Gotha, and the new catalogue of 7646 stars observed by Piazzi at Palermo. This last is one of the greatest works of the kind in modern times. The place of each star was determined with much accuracy by taking from six to ten, and sometimes more, observations, so that the whole catalogue is founded upon nearly 150,000 observations, the reduction of which required the writing down of about 30,000,000 of figures. Bessel has lately observed 15,000 stars in a zone included between the declinations of 15° north and 15° south.

The observations heretofore mentioned required the aid of large, expensive, and stable instruments, fixed up with great accuracy in the plane of the meridian. There are, however, other observations of a different nature, which require nothing more than a good telescope and a fine pair of eyes, to notice the changes which take place upon the surfaces of the sun, planets, satellites, and comets; also to observe the double and triple stars, the milky way, the nebulæ, &c. Herschel and Schroeter were observers of this kind, they were both endowed with a sharpness of vision and a power of penetrating into space, almost unexampled in the history of astronomy. Their observations form the most important part of what is now known in this branch of the science. Herschel's acquirements in mathematics were small, and it does not seem that Schroeter's were much greater, but their exclusive devotion to this kind of observation, for which by nature they were peculiarly well qualified, enabled them to pursue it with great success. Schroeter was a magistrate of Lilienthal, and in the late war one of the French generals, Vandamme, burned and destroyed his house and observatory, and turned him almost naked into the streets. Herschel continued his labors to a good

old age, and deserves particular notice for his catalogues of the double, triple, and other multiple stars, their connexion and revolutions about each other, his great catalogues of nebulæ, discovered by his powerful telescopes, his remarks on the gradual condensation and the formation of the nucleus, &c. also for his discovery of the planet Uranus, its seven satellites, and two satellites of Saturn. He was a bold theorist, and sometimes whimsical in his notions,* but he is unquestionably entitled to the praise of having furnished many original ideas on the nature of the heavenly bodies, the construction of the nebulæ and their immense distances.

The division of labor, which contributes so much to the perfection of the arts in common life, is carried to a considerable extent in practical astronomy. Bradley, La Caille, Mayer, and Maskelyne, were observers of a very different kind from Herschel and Schroeter. The former restricted their observations to the *places*, the latter to the *forms* and *colors* of bodies. A third kind of observers may be mentioned in those, who confine themselves to the discovery and observations of comets.

Messier was an observer of this third kind. He was endowed in some respects with the same natural talents as Herschel and Schroeter, but he restricted himself almost exclusively to the discovery and observation of comets, in which he was eminently successful. He began his career with the famous comet, whose return in 1759 had been predicted by Halley, and while all the astronomers of England and France were anxiously looking out for it, he alone had the good fortune to observe it in the first branch of its orbit in January and February 1759, but by a very strange whim of his patron and *employer*, Delisle, he was not allowed to communicate the information to other astronomers, till the comet had disappeared in the sun's rays, and it was not till after its second appearance in the beginning of April, that it was observed accurately by any other person. This first attempt was followed by the discovery and observation of more than twenty comets, and his success was so great in *hunting out* these small bodies, that Lewis Fifteenth called him the *ferreter* of comets,

* An instance of this occurs in his paper submitted to the Royal Society of London, on the Solar Maculæ, in which he very gravely assumes that the *price of corn* in England might possibly be affected by the number of those spots.

(le furet des comètes,) and Messier himself was so accustomed to consider them as *his property*, that he was quite disconsolate upon being informed, that another astronomer had discovered *one*, while he was attending upon his sick wife, and unable to examine the heavens in his usual manner. Mr Pons, formerly assistant at the observatory at Marseilles, now Director of the new observatory at Marlia, has also devoted himself to the same kind of observations with great success. In the year 1822, in the course of two months, he discovered *three*, making in all twentyfive, that he had *discovered* in about twenty years. He has been rewarded with La Lande's premium for these discoveries. Dr Olbers has also been famed for his success in the discovery of comets.

Many others might be mentioned, who have made important observations in astronomy during the same period, as Bailly,* Pingré, Jerome de la Lande, Mechain, Delambre, and others, who have left imperishable monuments of their zeal and activity. A short notice of some of their works will hereafter be given, but the limits of this review will not permit a minute account of the labors of all who have formerly devoted themselves, or are now actively engaged, in making observations and calculations for the improvement of astronomy. It is sufficient to observe, that at no period was ever greater zeal evinced than at the present moment; private individuals and public associations combining their efforts to forward this useful work.

* At the commencement of the French revolution, Bailly was chosen a deputy, and afterwards appointed President of the 'Tiers Etat' of the States General, and during the struggle between that body and the court, he was the most forward to assert the popular rights, and dictated to the members the memorable oath, 'to resist tyrants and tyranny, and never to separate until they had obtained a free constitution.' Upon the capture of the Bastille he was by acclamation appointed Mayor of Paris. In the exercise of his official duties for the suppression of a mob, he ordered the soldiers to fire on the multitude, by which about forty persons were killed. This caused his popularity to decline, and when the violent party obtained the ascendency, he was condemned to death by a sanguinary tribunal, and guillotined near the spot, where he had given orders for the military to fire on the people. His sufferings were studiously protracted, and circumstances of peculiar ignominy attended his execution. A red shirt, or badge of conspiracy was put on him, and without sufficient clothing to protect him from the cold and rain, he was dragged upon a cart through the streets, with his hands tied behind him, and when, trembling from excess of cold, his executioner sneeringly said to him 'Tu trembles Bailly,' he with great firmness, instantly replied 'Oui, mais c'est du froid.' These circumstances are alluded to by Prony in his Eulogy on Pingré, in the first volume of the Memoirs of the National Institute.

The more difficult task of giving some account of the labors of those mathematicians, who have improved the science of astronomy, by their calculations of the effects of the mutual attractions of the heavenly bodies upon each other, yet remains to be performed. Many of these improvements were made little by little, at short intervals, and by different persons; others were completed at once, by efforts of genius like those which Newton manifested so frequently. The theory of gravity, as it was given by Newton in his Principia, and its application to the disturbing forces of the planets and satellites upon each other, remained without any essential improvement, till the subject was taken up by Euler, D'Alembert, Clairaut, Maclaurin, and others. Newton had proved in that work, by a geometrical method, that if only two bodies were moving in space, and mutually attracting each other by the common law of gravity, decreasing inversely as the distances, they would describe about each other, and about their common centre of gravity, some one of the conic sections, and that their velocities might be so adjusted as to cause them to revolve in a circle, or in an ellipsis of any proposed eccentricity, so that if there were no other bodies in the system except the sun and earth, the earth's orbit, in the present arrangement of the velocities and distances, would be a *perfect* ellipsis, but the introduction of another body would disturb the motion by its attraction, and the earth's orbit would no longer be elliptical, but a very irregular curve depending on the relative situations and masses of the *three* bodies. The determination of this curve is the famed *problem of the three bodies*, which has exercised the talents of the first mathematicians from the days of Newton to the present time, *without obtaining a complete numerical solution*. The difficulties of the problem were so great, that recourse was had to methods of approximation.

The first solutions of this kind were obtained about the year 1746, by Euler, D'Alembert, and Clairaut, who, without any concert with each other, had at the same time attended to the subject. The principle adopted in all their solutions was, that in the first approximation, the disturbing forces of the planets upon each other might be wholly neglected, on account of their masses being very small compared with that of the sun. In this case the planets would

revolve about the sun in ellipses, following very nearly the laws discovered by Kepler, and their positions and distances from each other at any time might be calculated in this elliptical hypothesis, with sufficient accuracy to be used in computing their attractions upon each other, and its effects by the common principles of mechanics. In calculating the orbit of any one planet, the effects of the disturbing forces of the *other* planets were computed separately, taking them *one at a time*, so that no more than *three* bodies were taken into consideration at once, namely, the sun, the disturbing planet, and the planet whose orbit was to be computed; and this complicated problem was thus reduced to the more simple one of the *problem of the three bodies.* This method of calculating separately the effects of small disturbing forces, facilitates such calculations very much, and there are but very few cases in physical astronomy, where it may not be safely used. A familiar instance of its use occurs in estimating the height of the tide, which is done by computing separately the effects of the moon and sun, and adding them together as in the conjunction, when both luminaries conspire to elevate the tide, or taking their difference in the quadratures, when the sun's force tends to decrease the tide caused by the moon.

The application of these principles to the investigation of the lunar orbit, was attended with peculiar difficulties from the greatness of the sun's disturbing force. If the sun attracted the earth and moon equally and in parallel directions, however great its *absolute* force might be, it would not produce any *disturbing* force to alter the relative orbit of the moon about the earth, which would therefore be an ellipsis. But at the time of the new moon the sun attracts the moon *more*, and, at the time of the full moon, *less* than it does the earth. In the quadratures and other parts of the orbit, the sun's attraction on the two bodies is different and in different directions, hence arises a disturbing force of the sun operating at all times on the moon, which alters the elliptical motion, and produces many important changes in the orbit; the most noted of which are the revolution of the nodes in about nineteen years, and of the apsides in nine and a half years. These motions were known in the early ages of astronomy. Three other equations of the moon's motion were discovered by ob-

servation, namely, the *evection* by Ptolemy, the *variation* and *annual equation* derived from Tycho's observations; but there are a multitude of smaller equations, which would have remained unknown without the assistance of the theory of gravity. Newton explained, extremely well, by his *geometrical method*, the motion of the *nodes* and the *variation*, but touched very slightly upon the other equations, pointing out the general results of the theory, without attempting a very accurate explanation, which, in fact, was not possible to be done by the method he used, and the differential calculus had not then been sufficiently matured to furnish a better solution.

In 1719, Halley had printed his lunar tables, founded on Newton's calculations, neglecting a few of the small equations. These tables sometimes varied 7 or 8 minutes from observations. No important improvement was made on these, till the problem of the three bodies was solved approximately by Euler, D'Alembert, and Clairaut, after the lapse of about sixty years from the time of the publication of the *Principia*. Upon applying their general solutions of this problem to this particular case, they were all surprised to find the motion of the moon's apsides, by their calculations, only half what it was known to be by observation. They had come to this unexpected result by different methods without any communication with each other, and it embarrassed them exceedingly, for, till this difficulty was obviated, it was in vain to attempt any further progress in the lunar theory, upon the Newtonian principles of gravitation, which in this case seemed wholly to fail, and this beautiful system appeared to be destined to perish, like the many which had preceded it. While the subject remained in this state, Clairaut proposed to continue the calculation of the moon's orbit, with a modification of Newton's law of the decrease of gravity, and instead of making it vary inversely as the square of the distance, to suppose it to consist of two parts, the one large and varying inversely as the square, the other small, and varying inversely as the cube of the distance. This proposal was in fact to give up the Newtonian theory. Objections were made to Clairaut's proposition by Buffon, upon metaphysical grounds, and the discussion on the main subject was continued nearly two years; but, in the beginning of the year 1749, Clairaut presented a memoir to the Academy of Arts

and Sciences of Paris, in which the origin of this difference was explained. He showed that some terms of the series for computing the motion of the apsides, which were neglected on account of their being of the order of the square of the eccentricity of the moon's orbit, and therefore supposed to be small, were, by the process of integration, divided by a very small quantity, which greatly increased their value, and nearly doubled the motion, making the theory agree with observation within a very small quantity.

This important point having been settled, it became possible to continue the investigation analytically, but the great length of the calculations caused the method to be in some respects abandoned, and while they found from the theory the forms of the equations,* upon which the period of them depends, the maxima of the coefficients were ascertained by observation, and Burg asserts, that an equation, as small as two seconds, can be detected in this way. This course, which had been partially followed by others, was more fully adopted by Mayer, in the computation of his lunar tables, with the happiest result. These tables were printed in 1770, under the direction of Doctor Maskelyne, and in 1777 he published an improved edition computed by Mr Charles Mason from Bradley's observations, which gave the moon's longitude within 30″. These were used for many years in calculating the Nautical Almanacs, occasionally making small alterations, indicated sometimes by observation, and at other times by the theory. At length, in 1806, Burg's tables were published in a new form with many improvements, for which he received a reward from the Board of Longitude of France.

* Thus the true longitude v of a planet depends on a series of terms of the form $v = m + a \sin A + b \sin B + c \sin C +$ &c., m being the mean motion of the planet, the *coefficients* a, b, c, &c. depend on the powers and products of the inclinations of the orbits, and the *angles* A, B, C, &c. depend on the mean motions, the places of the perihelion, nodes, &c. The coefficients of the terms depending on the attraction of a disturbing planet are multiplied by the fraction denoting the mass of that planet, the sun's mass being put equal to 1; and by comparing the values of these coefficients found by observation, with those deduced from the theory of gravity, the masses of the attracting bodies may be obtained. In this way the masses of Mars, Venus, and Jupiter's satellites have been ascertained tolerably well; but the results of the calculations of Laplace, Bessel, Lindeneau, and others, from the best data, present some strange anomalies, which cannot be accounted for, so that Lindeneau was induced to say, that the mass of no planet whatever is known within one fiftieth part.

In 1812, Burckhardt made other corrections, and altered the construction of the tables, so that the arguments might depend on the mean motions of the sun and moon, which rendered them far more convenient for the computation of an ephemeris. These tables were published by the Board of Longitude of France, with the title given at the head of this article. They are rather more accurate than Burg's, and give the moon's longitude generally within five or six seconds, being almost within the limits of the errors of the observations. Several of the equations in both these new tables deserve notice, from their intimate connexion with other important points of the system of the world, particularly the three following. 1. The acceleration of the moon's mean motion. 2. The equation depending on the oblateness of the earth. 3. That depending on the sun's parallax, or in other words, on the distance of the sun from the earth.

About the year 1693, Halley remarked that the comparison of ancient and modern observations indicated that the moon's motion was accelerated ; or that the time of the periodic revolution about the earth was less than it was in the early ages of astronomy. A more careful discussion of the subject by Dunthorne, Mayer, and La Lande, confirmed the fact. For a long time the cause was unknown. A careful investigation showed, that the *direct* attraction of the sun and planets upon the moon could not produce such an effect. It was then suggested, that it might be produced by the resistance of the Ether ; in which case the moon would continue to approach nearer and nearer to the earth, till the two bodies would come in contact, and the system be destroyed. Others supposed this acceleration might arise from the action of gravity not being instantaneous, but like light requiring time to transmit its energy. These causes would account for the acceleration, but as no other celestial phenomenon *then* indicated the existence of either of them in any sensible degree, the explanation was not deemed satisfactory, and the subject was discussed above a century before the true cause was discovered. Finally, in the year 1787, Laplace found it to be one of the simple results of the Newtonian theory, that the present apparent acceleration would finally cease, and a retardation ensue, the whole motion being nothing more than a small oscillation about the mean value, which would require some

hundreds of centuries to complete; after which the same cycle of motions would be repeated. To form an idea of the cause, it may be observed, that in like manner as the disturbing force of the sun upon the moon produces a motion of the apsides, and a change of the eccentricity of the lunar orbit, so the disturbing forces of the planets upon the earth produce a motion of the apsides, and a corresponding change of the eccentricity of the earth's orbit; but the masses of the planets being small in comparison with the mass of the sun, their disturbing forces and the effects on the earth's orbit are extremely small, in comparison with the similar effects on the lunar orbit; so that while the annual motion of the moon's apsides is above forty degrees, that of the earth's orbit is only twelve seconds, requiring at that rate above a hundred thousand years to complete its revolution; this must, however, be considered as a rough estimate, designed only to give some idea of the slowness of these motions. These equations of a long period affect only the elliptical elements of the orbit, as the place of the nodes and perihelion, the inclination of the orbit and the eccentricity, and are independent of the mutual *configuration* of the heavenly bodies; they are now, as is well known, technically called *secular equations*, to distinguish them from those which depend on the configuration, which are called *periodical equations*, because their revolutions are completed in a comparatively small period of time. A thorough investigation of these secular equations shows, that the attraction of all the planets upon the earth produces, at present, a decrease of the eccentricity of the earth's orbit of about one four hundredth part in a century, and it has been decreasing at nearly the same rate, since the most remote periods of antiquity. Moreover, the disturbing force of the sun upon the moon operates upon the moon's mean motion, and makes it different from what it would be, if that force did not act, and as the sun's force upon the moon depends on their mutual distance, which must vary with the eccentricity of the earth's orbit, it was natural to suppose, that the change of this eccentricity would affect the moon's mean motion. A strict calculation proved this to be true, and that the expression of the moon's angular motion in a series, contains a term depending on the sun's disturbing force multiplied by the square of the eccentricity of the earth's orbit, which, by taking into account the secular

decrease of that eccentricity, produces a term corresponding to the observed acceleration of the moon's motion. It was also found by Laplace, from the same theory, that the perigee and node of the moon's orbit were also subject to similar secular equations, and the truth of his calculation has been confirmed, by a discussion of some eclipses observed by the Arabs at Cairo towards the close of the tenth century.

This is one of the most noted instances of the advantage of combining theory and observation. After the acceleration of the moon's mean motion had been discovered by observation, it was at first difficult to decide satisfactorily upon the different hypotheses proposed to account for it. But when it was found by the theory, that the change of the eccentricity of the earth's orbit would not only produce this acceleration, but also similar motions of the node and perigee, which upon examination were found to correspond with the observations of the Arabs, and that these last motions would not be produced by the resistance of the ether, or the successive transmission of gravity, no doubt was left that the true cause was that change of the eccentricity.

The next point of the lunar theory, proposed to be noticed, is the small equation of the moon's longitude, depending on the place of the moon's node, first given in Mason's edition of Mayer's Tables. It was discovered by observation and found at its maximum to be $7''.7$, completing its revolution in the same time as the moon's node, that is, in 19 years. Dr Maskelyne however neglected it several years in computing the nautical almanacs, observing that it did 'not yet sufficiently appear that such an equation should arise from the theory of gravity.' But in the year 1800, Laplace discovered that this equation was a necessary consequence of the theory of gravity, and that it was produced by the spheroidal form of the earth. He also found from the same theory, that there was a similar equation in the moon's latitude. This is another instance of the mutual assistance of observation and theory. Both these equations have since been confirmed by observations. When the cause was made known it was a matter of wonder, that it had not been noticed before. Newton had proved in his Principia, that if the earth was a homogeneous *sphere*, or formed of concentric *spherical strata* of different densities, its attraction upon the moon would be exactly the same as if all

its mass were collected in one point at the centre of gravity, and thus the attraction of the millions of particles, of which the earth is composed, were reduced to the very simple calculation of the action of the same quantity of matter concentrated in that point.

This principle was adopted in all the calculations of the lunar theory, notwithstanding the earth's form was known to be *spheroidal*, and that the proposition of Newton was not strictly applicable to a body of that form, because the protuberant matter at the equator modified the attraction in some small degree, but the effect was supposed to be insensible, till Laplace showed that the two equations in question depended on the oblateness of the earth, and were directly proportioned to it. He then proposed to determine that oblateness, by comparing his theory with the result of numerous observations of the moon, suggesting that it might even be preferred to direct measures on the earth's surface, because the number of observations might be increased at pleasure, and on account of the great distance of the moon from the earth, the effect of the little irregularities of the earth's form would be hardly perceptible in the attraction upon the moon, and the result of the general figure of the earth would prevail. A careful discussion of many observations by Burg gave nearly the same oblateness $\frac{1}{305}$ by both equations, which agrees with what has been deduced from the most accurate measurements taken upon the earth's surface. Thus modern astronomers have been enabled to determine, from the moon's motion, the *spheroidal* figure of the earth, as ancient astronomers did its *round* form by the projection of the earth's shadow in eclipses of the moon. There is, however, a wonderful difference in the powers exerted in the two cases. With the ancients it was a mere exercise of good judgment, upon one of the most common of the phenomena of the shadows of bodies; with the moderns it was calling into operation the powerful resources of analysis, to estimate the forces exerted by the millions of particles of two distant irregular bodies, to notice the effects of the obliquity of their actions, the variable forces of their attractions arising from their different magnitudes, densities, and distances, to reduce them all to a single force, and then to compute its effects.

The last of the lunar equations of the moon's longitude, which was to be examined, is that depending on the sine of the elongation of the sun from the moon, from which may be computed the distance of the sun from the earth. The coefficient of this equation, being proportional to the sun's parallax, was used by Mayer to determine its value, which he found to be 7″.8, without pretending to a very great degree of accuracy. Laplace has since investigated the analytical expression, carrying on the approximation to terms of the fifth order of the eccentricities, &c. The comparison of his formula with the coefficient of the same equation, determined with the greatest care by Burg, from a very great number of observations of the moon, makes the sun's parallax 8″.56, being nearly the same as was found by Encke 8″.5776, by his elaborate investigation of all the observations of the transits of Venus of 1761 and 1769, published in his treatises, *Die Entfernung der Sonne von den Erde aus dem Venus-durchgange*,* &c. This method of finding the sun's distance from the earth by the lunar theory, is susceptible of considerable accuracy, on account of the great number of observations which can be used, so that it may even be preferred to any other known method. It must however be considered, as a very singular circumstance, that the sun's distance from the earth can be best determined by observing the *moon's longitude*, and that the same observation will also fix, with the greatest accuracy, the number of miles the earth is compressed at the poles. It shows in a striking manner the powers of modern analysis, when combined with the Newtonian theory of gravity. Attempts are still making to deduce the whole of the lunar equations from that theory alone. Laplace has done much for the attainment of this object, also Carlini and Plana have developed the analytical expression of these equations to a much greater degree of accuracy, than had ever before been done,† and it is to be hoped that it will not be long, before this important point will be attained. For after all, there is much uncertainty in referring wholly to observations, and the

* Matthew Stewart also attempted to calculate the sun's parallax from the motion of the moon's apsides, but his method is defective in principle and inaccurate in detail, and wholly unworthy of his eminent talents.

† The Baron Damoiseau lately presented to the Academy of Sciences of France, new lunar tables entitled, "Tables de la Lune formées par la soule Théorie de l'Attraction," which are recommended.

fact, that Laplace has found it necessary to change the form of the small equations of the moon's mean motion discovered by Burg, altering its period from 184 to 179 years, shows that this is not a satisfactory method of ascertaining equations of a long period of time.

When the solution of the problem of the three bodies was applied to the orbits of the sun and planets, a discussion arose upon the secular equations of the *mean motions and mean distances from the sun*, particularly those of Jupiter and Saturn, both of which appeared, by observations, to be affected by inequalities of that kind. At first it was supposed by the calculations of Euler and Lagrange, that such equations did really exist ; but a more minute investigation by Laplace, proved that all the terms of the secular equation of the mean motion and mean distance, as far as the third order of the eccentricities and inclinations inclusively, multiplied by the first power of the disturbing masses, vanish. Lagrange, by a very elegant method, soon extended this demonstration to all the powers and products of the eccentricities and inclinations, but still it was restricted to the first power of the masses. Several years afterwards, this important subject was taken up by Poisson, and by a long, but perfectly accurate demonstration, he carried on the approximations so as to include the second power of the masses. Immediately Laplace and Lagrange simplified this demonstration, and the method of Lagrange, depending on the variation of the constant quantities, was in the course of a few months improved several times by him, and became at last remarkably simple and elegant. But the struggle between these three eminent men did not here cease. For Poisson, taking up the subject again, gave another demonstration nowise inferior to any that had preceded, and he likewise proved this singular proposition, 'that the perturbations of the rotatory motion of a *solid* body of any form, arising from forces of attraction, depend upon the same equations, as the perturbations of the motion of a *single particle* of matter attracted towards a fixed centre, so that the precession of the equinoxes, and the nutation of the earth's axis, would be expressed by the same formulas, as the variations of the elliptical elements of the orbits of the planets.' Poisson did not carry on the approximation of the mean secular motions at this time, to any greater degree of

accuracy than in his former solution; but in 1816 he extended it so as to include the terms of the third order of the masses arising from those of the second order in the disturbed planet; and the demonstration is now complete for all the terms of the second order of the masses, and for some of those of the third, and so far as this approximation goes, it appears to be demonstrated, that if the *mutual attractions of the bodies composing the solar system upon each other only are noticed, that this system will be stable;* or, in other words, the mean distances of the planets from the sun, and their mean motions, will be permanent. But there may be other causes, which would destroy this stability, as for example, if the etherial space in which the bodies move be not a complete vacuum, which is probable. For, if there is no other cause operating, the light, which is passing in every direction, might cause some resistance, and that a resistance of this kind exists, can hardly be doubted, from the observations on the last return of Encke's comet, which have confirmed the former calculations of Encke, that the term of its revolution about the sun is decreasing at every appearance; the smallness of its mass rendering it susceptible of being resisted considerably, even by a fluid of great tenuity. The motions of this little body, *in its spiral course towards the sun*, will hereafter be attended to by astronomers with the greatest assiduity, for the purpose of ascertaining the resisting power and variations of density of the etherial space in the different parts of the solar system included within the limits of this orbit, whose perihelion falls within the orbit of Mercury, while the aphelion extends nearly to the orbit of Jupiter, and this small speck of matter will, on this account, become an interesting object of investigation.

Another cause of the want of stability in the solar system, may be the diminution of the sun's attractive force, from the decrease of its matter by the gradual emission of light from its surface. There are many proofs, that great changes take place in the bodies of matter composing the material universe; Herschel noticed this in some of the nebulæ. A remarkable instance occurred in the famous star observed by Tycho, which, in a moment, burst forth with a splendor exceeding that of Jupiter, and then gradually faded away till it became invisible to the naked eye, being now visible only with the assistance of a telescope. Stars, which were once visible, are

not now to be found in the places where they were formerly observed. All parts of the earth's surface likewise indicate, that at some remote period it underwent some great revolution. In fact, wherever the attention is directed, changes of place and form are perceived, with new combinations of matter, and it is natural to suppose the whole solar system will obey this general law.

It has been observed in the course of this review, that the secular equations of the apsides, nodes, eccentricities, and inclinations of the planetary orbits, are produced by the disturbing force of the planets upon each other, in like manner as the more rapid changes, in the similar elements of the lunar orbit, are produced by the disturbing force of the sun. It might also have been remarked, that the secular equation of the eccentricity of the earth's orbit is not so much noted on its own account, as for having produced the secular acceleration of the moon's motion. There is also another of these secular equations, which produces a remarkable effect, namely, the secular equation of the inclination of the earth's orbit, which, by changing the plane of the ecliptic, produces a *decrease of the obliquity of the ecliptic of about* 50 *seconds in a century.* This obliquity has been decreasing since the time of the most ancient observations, and it will continue to decrease for many centuries, then become stationary, afterwards increase till it shall attain its maximum, and then again decrease, vibrating between its extreme limits, which have been estimated not to be less than 20°, nor greater than 28°.

With respect to these secular equations of the eccentricities and inclinations of the planetary orbits, Laplace investigated a theorem from which he inferred, that these orbits would always be nearly circular, and but little inclined to the ecliptic. But there are several defects in his demonstration. He assumed the sun's mass, and the mean distance of the sun from the earth, respectively for the *unit* or measure of the masses and distances of the planets from the sun, and that the eccentricity of the orbits of any planet was estimated in parts of the mean distance of that planet from the sun. Then forming, for each planet, a product of its mass by the square root of its mean distance from the sun, and the square of the eccentricity of its orbit, he showed that the sum

of these products for all the planets would be a constant quantity, notwithstanding the mutual attractions of the bodies upon each other, and the consequent secular equations of the eccentricities. This sum being small, it follows that each separate product, for any particular planet, is and always must be small, whence he infers, that the eccentricities of the orbits of *all* the planets will be small, or the orbits vary but little from a circular form. But this by no means follows for the smaller planets, because the term of this product corresponding to Mercury, or any one of the lately discovered planets, may be small, and yet, on account of the excessive smallness of the mass of the planet, the eccentricity may be supposed excessively great, without being incompatible with Laplace's theorem. There is also another defect in his demonstration, arising from his having taken into the calculation the terms of the second order of the eccentricities, while some of the terms of the fourth order, which he has neglected, exceed those which he has retained. On the whole, it may be stated that the demonstration of Laplace is satisfactory, as it respects the three great planets, Jupiter, Saturn, and Uranus, but is not so for the other planets, whose orbits, for aught that has been proved to the contrary, may be very eccentrical. Similar objections may be made to his demonstrations, relative to the inclinations of the orbits being always small.

After it had been ascertained, that there were no secular equations in the mean motions of the planets, the discussion was continued relative to the strange anomalies, observed in the motions of Jupiter and Saturn. The tables, which would give the places of these planets with considerable accuracy for several successive years, would be quite erroneous in an interval of seventy or eighty years, and as it seemed impossible to make any tables, which would correspond with all the ancient and modern observations, it was proposed by Lambert to introduce empirical equations, which would make the tables answer for the computation of an Ephemeris for a few years. But, in the year 1786, Laplace discovered a periodical equation in the motion of both these planets, much greater than any which had before been noticed, being 48′ for Saturn, and 20′ for Jupiter, its argument being five times the mean longitude of Saturn, *minus* three times that

of Jupiter, and its period is completed in rather more than nine hundred years. The magnitude of this equation arises from the mean motions being nearly commensurable, so that five times the mean motion of Saturn is nearly equal to three times that of Jupiter. This makes the argument of these inequalities increase very slowly, *gives time for the effect to accumulate*, and though the terms on which the inequalities depend are of the third and higher powers of the eccentricities and inclinations, yet being, by the integration for the whole period of time, divisible by a term of the same order as this argument, they become very large. Several smaller equations, depending on the same cause, were also discovered by Laplace. Upon this theory Delambre computed new tables of the motions of Jupiter and Saturn, which were published in 1792, in the third edition of La Lande's Astronomy, and afterwards in Vince's collection. These tables were incomparably more accurate than any that had preceded them, but being founded in part on Flamsteed's imperfect observations, they were sometimes liable to errors of thirty seconds.

About twentyfive years afterwards the subject was taken up by Bouvard, with the assistance of the observations taken during the last interval. He computed a set of tables, founded chiefly upon observations made by Bradley, La Caille, Maskelyne, and himself, between the years 1750 and 1807. These were published in 1808, by the Board of Longitude of France, with the title at the head of this article. Bouvard compared his tables with one hundred and ten oppositions of Saturn and Jupiter, and found the error in no case to exceed thirteen sexagesimal seconds, whereas the best tables in use sixty years before, as Halley's and Lambert's, were liable to errors one hundred times as great. The errors in the tables of Saturn were sometimes more than twentytwo minutes, being equivalent to the mean motion of that planet in eleven days.

Lindeneau computed tables of the motions of Mars, Venus, and Mercury, which were published at Gotha in 1811—1813, under the titles at the head of this article. In their construction he generally excluded the observations made before the year 1750. The tables of Mars are founded on seventy observations, corresponding to twentysix oppositions of that planet, between 1751 and 1809. The tables of

Venus on about eighty observations of Bradley, between 1750 and 1755, on ninety observations of Lindeneau, Bouvard, and others, between 1804 and 1809, and on three transits of Venus over the sun's disc. The tables of Mercury are founded on eleven transits over the sun's disc, from 1677 to 1802, and on one hundred observations of Maskelyne and Piazzi, between 1775 and 1806. These tables give the places of the planets to a great degree of accuracy. Out of one hundred observations of Mercury, the error did not exceed two seconds in more than thirty observations, and in no case exceeded eight seconds. In the tables of Mercury, Lindeneau has adopted the manner of forming the arguments from each other proposed by Carlini. (*Esposizione di un nuovo Metodo di construire le Tavole Astronomiche applicato alle Tavole del Sole di Francesco Carlini. Milano.* 1810.) This consists in taking the arguments, on which the attractions of the planets depend, for the beginning of the year, and adding to each of them the *number of days* elapsed, from that time to the day for which the place of the planet is proposed to be calculated, so that in calculating an Ephemeris all these arguments have a daily increment of *one*, which renders it very easy to compute them. The tables, from which the perturbations are taken, are easily adapted to this mode of computation, by an alteration in the column in which the arguments are marked, so as to make the rate of increase correspond to the proposed form.

The labors of astronomers, on the orbits of the planets, had given to the tables of their motions a great degree of perfection, and there seemed to be but little room for improvement in this department, when an entire new field of investigation was opened by the discovery of the four small planets, Ceres, Pallas, Juno, and Vesta, some of which move in planes much inclined to the ecliptic and in orbits of great eccentricities, being moreover situated near to the orbit of Jupiter, the calculation of the perturbations of their motions becomes extremely difficult, and it may eventually require essential improvements in the present manner of making these computations, since the labor is now in some cases extremely troublesome. It requires above *four hundred equations*, (one of which, depending on the attraction of Jupiter, amounts to nearly a degree,) to compute the place of the

planet Pallas, and it takes several days to calculate accurately one latitude and longitude of that small body, not having any auxiliary tables to decrease the labor. It was fortunate for astronomy, that just before the discovery of the first of these planets, Gauss had invented his excellent method of finding the elements of the orbit from three geocentric latitudes and longitudes, which he afterwards published in his *Theoria Motus Corporum Cœlestium*, 1809. The chief excellence of this method consists in the happy selection he made of the *two unknown quantities to be investigated*, whose approximative values were to be assumed at the beginning of the operation; one of which being nearly equal to the ratio of the intervals of times between the observations, and the other nearly proportional to the product of these times. Had it not been for this improvement of Gauss, it is possible that the planet Ceres might never have been found after the conjunction with the sun, which followed its first discovery by Piazzi.* Astronomers had sought for it in vain several weeks without success, and it was not till Gauss furnished the elements of its motion, that they were able to detect it among the millions of little stars, which appear so much like it. The discovery of Ceres by Piazzi, and Pallas by Dr Olbers, may be considered as *accidental*, but this can hardly be said to be the case with respect to Vesta and Juno. The mean distances of these bodies from the sun being nearly equal, their orbits approaching near to each other in the line of intersection of their planes, and the smallness of the masses made Dr Olbers suspect, after the two first had been discovered, that they were fragments of a larger planet, which, at some distant period had exploded; and, upon this hypothesis, he recommended to astronomers to seek for more of these small bodies in the constellations Aries and Cetus, and he afterwards *actually observed Vesta in one of these constellations.* Harding had previously discovered Juno, in making his map of the small stars near which the planets Ceres and Pallas might pass. Small as these bodies are, they are now, and will continue to be, interesting to astro-

* Piazzi acknowledges this in a letter he wrote to Gauss after the planet had been found. 'Faites, je vous en prie, mes complimens et mes remercîmens à M. Gauss, qui vous a épargné beaucoup de peine et de travail, et sans lequel peut être il *ne m'aurait pas réussi de vérifier ma découverte.*'

nomers, from the great variety of equations that must necessarily exist in their motions, from the peculiar situations and forms of their orbits, and from the analytical difficulties, which may occur in the investigations.

Before the method of finding the longitude by lunar observation had been brought into successful operation, no method seemed to offer such facilities as the eclipses of Jupiter's satellites. For that reason the theory of their motions received the early attention of astronomers. About the year 1675, Roemer made the important discovery of the successive propagation of light. He was led to it from observing, that when Jupiter was near the conjunction with the sun, the eclipses happened about sixteen minutes later than when in opposition, which he accounted for by supposing the light to require that time to be transmitted through the earth's orbit. All the satellites being affected in precisely the same manner, no doubt was left of the existence of this inequality, and it was introduced into the tables. After assuming the most probable values of the elements of the orbits of the satellites, it was found that there were several inequalities, that could not be accounted for. In 1726, Bradley suggested that the origin of them might be in the mutual attractions of the satellites, combined with a peculiarity in the arrangement of the mean motions of the three first satellites, by which their *configuration* became the same after an interval of 437 days, which might possibly produce inequalities depending on that period of time. This idea was adopted by Wargentin, in his tables published in 1746, 1754, and 1771, in which he introduced *empirical* equations, sometimes exceeding fifteen minutes of time, depending on this period of 437 days; and though they were not founded upon any accurate theory, but a vague conjecture, yet the tables agreed much better with observations, than any others which had been published, and they were therefore used in computing the eclipses, nearly fifty years before the true cause of these inequalities was distinctly pointed out, and the calculations accurately made. The celebrated Bailly, of whom we have before spoken, published several papers, and calculated some of the effects of the mutual attractions; but Lagrange, in his excellent memoir, which gained the prize of the Academy of Arts and Sciences of Paris, in 1766, was the first who gave a com-

plete theory of the motions and mutual attractions of the satellites, considering the whole of them as operating upon each other at the same time, and not restricting the calculation to *three* bodies, as had been done by all who preceded him; a point of the utmost importance in the theory of these satellites, since upon it depends the laws regulating the motions of the three inner satellites. Many numerical calculations, and a knowledge of the masses of these satellites, was still wanting. The simplest way for finding these was opened by Laplace, who, in 1784, deduced from the work of Lagrange a more limited solution, and grounded his theory on the two following laws, regulating the motions of the three first satellites, which Laplace proved would become *perfectly accurate*, by the mutual attractions of these satellites upon each other, if the conditions were *nearly* satisfied at the origin of the motions.

1. *The mean motion of the first satellite, plus twice the mean motion of the third, is equal to three times the mean motion of the second.*

2. *The mean longitude of the first satellite, minus three times the mean longitude of the second, plus twice the mean longitude of the third, is always equal to two right angles.*

Founded upon these laws, and making use of a multitude of small equations, whose form had been pointed out, and the analytical expressions given by the theory, Delambre computed an entire new set of tables, depending upon all the observations made since the year 1662. With two years incessant labor they were completed, and published in 1792, in the third edition of La Lande's astronomy. They were the first that ever gave the eclipses with much accuracy, by a correct theory, not disfigured by arbitrary empirical equations. The improvements made since by Bouvard, in the tables of Jupiter's motion, required corresponding corrections in those tables, and Delambre undertook to revise them, using the additional observations of eclipses since his first publication, and adopting the improvements in the theory contained in the fourth volume of Laplace's *Mécanique Céleste*. The result of his labors, depending upon the observations of 140 years, are the tables mentioned at the commencement of this article. They differ from the tables of 1792, in the form of some of the arguments, the

anomalies being counted from the perihelion, as well as the arguments depending on the apsides of the third and fourth satellites, some equations deduced from the theory are introduced, which were formerly omitted, the masses of the planets have been changed a little, the demi-durations of the eclipses have been decreased to correspond with observations made since the discovery of the achromatic telescope, &c. The tables of the first satellite are founded on 3439 eclipses, the second on 1100, the third on 590, the fourth on 334. All these eclipses have been recomputed by these new tables. The result of this examination showed, that the tables of the first satellite required no alteration. In those of the second, the duration of the eclipses appeared to be too great, by four or five seconds. In those of the third and fourth satellites much greater differences exist, arising from what Delambre calls, the 'frightful uncertainty of the observations of these satellites,' errors of three minutes of time being common in tolerably good observations of the third satellite; and, in some of the eclipses of the fourth satellite, he found different observers varied 7, 8, 10, 12, and 14 minutes in the same eclipse, and in one instance the difference was 29′ 15″. He finally concludes, that the observations of the first satellite are the only ones, that can be of any use in geography; and the general conclusion from his examination is, that the errors of his new tables are less than those of his former edition, but the gain in accuracy is hardly worth the labor it had cost him. He states also as the result of his experience, that, in finding the longitude from eclipses of the satellites, it is more accurate to compare the observations with the tables, than with corresponding observations made under a known meridian; the tables giving a mean result, which, if not absolutely certain, is at least highly probable, being grounded on all the observations of eclipses made at different times, in different circumstances, and in all countries.

The method of calculating the orbit of a comet has been greatly simplified, since the time Newton first published his indirect solution for a parabolic orbit. The return of the comet of 1759, according to Halley's prediction, drew the attention of mathematicians to the invention of formulas, for abridging the calculation of their paths, and for computing

the disturbing forces of the planets. Of the various methods proposed, the most noted are those of Lagrange, Legendre, Laplace, and Olbers, for a parabola, and Gauss for any conic section whatever. Olbers' method, which is nearly identical with that published several years afterwards by Mr Ivory, has been deservedly recommended by Gauss, as the most direct and simple of all the known methods. What formerly required the labor of days can be done by it in a few hours. Our countryman, Rittenhouse, computed the elements of the orbit of the comet of 1770, by the methods then in use, and in his letter, printed in the first volume of the Transactions of the American Philosophical Society, he says, 'Herewith I send you the fruit of *three or four days labor*, during which I have covered many sheets, and literally drained my inkstand several times.' This labor could now be completed by Olbers' method in a much shorter time. An instance of this is mentioned by Baron de Zach, who, in one of the numbers of the *Monatliche Correspondenz*, says, that his secretary, Werner, began the *reduction* of three observations of the comet of 1813 at midnight, and by half past four o'clock in the morning, he had computed the elements of the orbit. The labor is much abridged by the use of auxiliary tables, like those published by Baker,* Delambre, and Burckhardt, to which we may add the excellent table of logarithms to seconds by Taylor, a work which may be said with truth to excel all others of the kind, for its completeness and accuracy. The improvements in the calculation of the perturbation of the orbits, from the attraction of the planets, are not less remarkable. When the comet of 1759 was expected, Clairaut, with the assistance of La Lande and Madame Le Paute, calculated the perturbations of its motion by the attraction of the planets, and, with more than six months' labor, did not find its return within a month. Lately, when Encke undertook to compute the return of the comet, which bears his name, he was able, by the improved methods of Lagrange, and Bessel, without the assistance of any other person, to do the whole labor in a few weeks, with a degree of accuracy hardly to be surpass-

* A corrected edition of Baker's tables, extending to seven places of decimals, was computed by a German princess, the Duchess of Saxe Gotha, and published in 1797, by the Baron de Zach, in his edition of Dr Olbers' Treatise on Comets, and since in Delambre's Astronomy.

ed. There are now about one hundred and thirty calculated orbits of comets, of which three are known to be elliptical, namely, Halley's, which appeared in 1759, with a revolution of 75 years, Olbers' in 1815, with a revolution of 72 years, and Encke's in 1822, with a revolution of 1204 days. This last will again be visible in the northern hemisphere in the autumn of 1825. It deserves notice, that the time of revolution of this comet differs but little from that of the four newly discovered planets, being about 46 days less than that of the planet Vesta; and, as the time of the periodical revolution of the comet seems to be decreasing, it might have been, at some remote period, equal to that of Vesta. This circumstance is rather favorable to Olbers' hypothesis of the common origin of these small planets, supposing the comet to have had the same origin; and it may be observed, that Ceres has a cometary appearance, being surrounded by a luminous matter, like a nebula, so that it does not depend wholly on the reflected light of the sun to render it visible. It has been lately supposed, that most of the planets have, in a small degree, this power of self illumination. On the other hand, if the particles of light are acted upon by the common laws of gravity, as it is reasonable to believe they are, some of the largest bodies of the system might be *invisible* to us; the attractive force of such bodies being so great as to prevent the light, emitted from their surfaces, from getting beyond the sphere of their attractions. Laplace calculates that a luminous body of the same density as the sun, and 250 times its diameter, would be invisible to us, when placed at the distance of the nearest fixed star.

Comets move in every direction, and in all possible inclinations to the ecliptic, and it has been estimated by Dr Olbers, that about two of these small bodies pass annually within the earth's orbit, towards the perihelion, and that one out of 439,000,000 might possibly strike the earth; this number expressing the ratio of the whole surface of a sphere described about the sun, at the distance of the earth, to the part of the surface that would be occupied by the earth and comet. According to this calculation, a comet might possibly come in contact with the earth once in 220,000,000 of years, and it has been supposed by some, that many of the present appearances on the earth's surface have their origin in some

such cause. For if a body, moving in a plane inclined to the equator, were to strike the earth, it might change the axis of rotation; in consequence of which the fluids, and lighter substances upon the surface, would adapt themselves to the new axis. The waters would subside near the new pole, and the bottom of the ocean, with all its shells and marine productions, might there be left uncovered, while the parts near the new equator, which were before habitable, might become covered with water.

Much attention has been paid by astronomers to the determination of the figure of the earth. Newton calculated the oblateness by his theory to be $\frac{1}{230}$, supposing the earth to be a homogeneous ellipsoid of revolution. This form of the earth was assumed by him without demonstration, but it has been said with great truth, that Newton almost always *guessed* correctly, and it proved so in this instance, as has been demonstrated by several writers on the figure of the earth. Maclaurin, in 1740, was the first who gave a complete investigation of the attraction of a homogeneous ellipsoid of revolution upon any point situated *upon* or *within* its surface. His demonstration is according to the ancient geometrical method, and it is considered as one of the most beautiful specimens of that kind given in modern times. For more than thirty years this solution remained a reproach to the analytical method, which then afforded no means of solving the same problem, that would compare with it in simplicity and elegance. At length, in 1773, Lagrange, by a transformation of the coordinates, made the analytical method resume its wonted superiority. Maclaurin had also investigated the attraction of an ellipsoid upon a point situated *without* the surface, upon the continuation of either of its principal axes. This theorem was improved and extended by Legendre, Laplace, Biot, and others, so as to include all possible cases of the attraction of an ellipsoid upon a point situated *without* its surface, but the methods of demonstration were long and difficult. After this subject had been discussed above a century, by the first mathematicians in Europe, Mr Ivory, in the Philosophical Transactions for 1809, presented the subject in a new point of view, and by an ingenious transformation, made all the analytical difficulties disappear, and reduced the attraction upon a point *without* the surface, to the case of a point *within*

the surface, which had been before so completely solved by Maclaurin, and thus gave a complete solution of this problem, which had been so long a subject of interesting discussion. Mr Ivory afterwards published another paper on the subject, in the Supplement to the Encyclopedia Britannica, under the article Attraction; it vies with Maclaurin's in elegance and simplicity. He was rewarded with Sir Godfrey Copley's medal for his papers on this subject. This was the first important step the English mathematicians had for many years taken, in the calculations of *analytical* astronomy, having for many years before almost relinquished that branch of science to their continental neighbors. A new spirit has now, however, arisen among them, and the Astronomical Society of London may do much for the promotion of this science, by uniting the exertions of such men as Ivory, Brinkley, Babbage, I. W. Herschel, Woodhouse, Pond, and a multitude of other mathematicians and astronomers, who appear to be actively engaged in such pursuits.

In all these calculations, the earth was supposed homogeneous, but if it had ever been in a fluid state, the heavier parts would subside, and it would become denser towards the centre than at the surface. That this was really the case was placed beyond doubt, by two decisive experiments. The one made by Dr Maskelyne, on the attraction of the mountain Schehallien in Scotland, the other by the experiments of Cavendish, on the attraction of two large leaden balls. Dr Maskelyne found, when his quadrant was situated on the northern side of the mountain, that the plumb line by which it was adjusted was drawn a few seconds towards the south, by the attraction of the mountain; and, when it was placed on the southern side, the plumb line was drawn towards the north.* In consequence of this, the difference of the zenith distances of the same star, observed on opposite sides of the mountain, was not equal to the difference of latitude between the two places of observation, obtained by a geometrical survey, but varied from it by a quantity equal to the sum of the deviations of the plumb line. A survey of the mountain was

* Bouguer made similar observations in Peru, and Baron de Zach at Marseilles. An account of this last operation is given in Zach's work on the *Attraction des Montanges*, Avignon, 1814. 2 vols. 8vo. in which the manner of making such observations is fully explained.

taken, and its attraction upon the plumb line accurately computed by Dr Hutton, who found that the deviation was about half what it ought to have been, if the density of the mountain had been equal to that of the earth. Hence it was inferred, that the mean density of the earth must be nearly double the density of that mountain, or about five times the density of water. Nearly the same result was obtained from the experiments of Cavendish. This is also in some degree confirmed by the perfect stability, or tendency to return to a state of repose, in the waters of the ocean when disturbed. For it has been proved by Laplace, from the theory of gravity, that if the mean density of the earth was equal to, or less than, that of the waters of the ocean, the equilibrium would be unstable, and if any cause disturbed it, the tendency of gravity would be to increase the motion, and make the sea overflow its shores, and destroy the present system of the earth.

In calculating the oblateness of the earth, Newton did not take into consideration the equilibrium of the fluid upon the surface, but contented himself with the form that would result from the supposition, that the pressure of the fluid at the centre of the earth, in two small canals, drawn from that centre to the surface of the earth at the equator, and at the pole, would exactly balance each other. Bouguer showed that these canals might be in equilibrium, and yet the fluid be unstable at the surface of the earth; and he showed that it was also necessary that the force, acting on any point at the surface, should be perpendicular to that surface. Clairaut, in his theory of the earth, published in 1743, proved that there might be cases where both these conditions were satisfied, and yet the fluid be unstable, and that, for a permanent equilibrium, it was necessary that the fluid in any canal, taken at pleasure, should be in equilibrium. He investigated in that work the analytical expression of this principle, supposing the earth to be formed of concentric ellipsoidal strata, *couches de niveau*, increasing in density from the surface to the centre. He also discovered a curious theorem, by which the increase of gravity in going from the equator to the pole, determined by the length of a pendulum vibrating in one second of time in different latitudes, was connected with the oblateness of the earth; the fraction denoting the

increment of gravity being as much *above* $\frac{1}{230}$, as the fraction denoting the oblateness is *less* than $\frac{1}{230}$; so that the sum of these two quantities would be $\frac{2}{230}$, for all probable suppositions of the densities of the strata of the earth.

D'Alembert, who wrote on this subject several times, was the first who calculated the attraction of spheroids, whose meridians were not elliptical. Legendre, by an ingenious method, making use of the properties of a singular species of functions, took into consideration the case where the meridians differed from an elliptical form, and varied for different longitudes. This was also done by Laplace, who devotes the third book of his *Mécanique Céleste* almost exclusively to the theory of the earth, using functions somewhat similar to Legendre's, and founding his calculations upon a remarkable equation of partial differentials, discovered by him, by which the attraction of a spheroid, upon a point situated upon its surface, can be obtained without any integration. This equation is generally correct, but there are cases where it might fail, like Taylor's theorem, and almost all other theorems of a like general nature, when applied to some peculiar cases, in a different manner from what was usually intended. This was the case with the exception in Laplace's equation, mentioned by Lagrange, in computing the attraction of a spherical shell upon a point, situated upon its surface. The same defect was also pointed out by Mr Ivory, who had solved the general problem, by a direct process of integration, in his usual elegant manner. He also proved, that Laplace had made some deductions from his formula, which were not absolutely warrantable; but the manner in which the subject was treated by Mr Ivory evinced, in some degree, a disposition to speak too slightly of Laplace's method.

These strictures induced Laplace again to bring forward his demonstration, in the paper mentioned at the beginning of this review, read to the Royal Academy of Arts and Sciences in 1818, in which, without condescending to mention Mr Ivory by name, he says, 'Quelques géomètres ne l'ayant pas *bien saisie* l'ont jugée inexacte;' and he then goes on to show how the difficulty in question would have been avoided, if they had restricted his equation to the cases for which it had been designed. In an additional memoir published in the

Transactions for 1818, he supposes the density of the strata of the earth to increase with the pressure of the superincumbent mass, according to the suggestion of Dr Young, and he assumes as a probable hypothesis, that the ratio of the increments of the pressure and density are proportional to the density, instead of being constant as in the gaseous fluids, supposing the solid matter of the earth to resist the increase of density more powerfully than in the ratio, which prevails in the gases. This hypothesis makes the oblateness $\frac{1}{306}$, and satisfies all the known phenomena, depending on the law of the densities of the strata, namely, the variation of the degrees of the meridian and of gravity, the precession of the equinoxes, the nutation of the earth's axis, the lunar equations, depending on the oblateness of the earth, and the ratio of the mean density of the earth to that of water, which was found, by the experiments of Cavendish, to be $5\frac{1}{2}$, and, in this hypothesis, the density at the centre of the earth would be about twelve times that of water, being greater than that of lead. In this calculation, Laplace supposes the temperature of the earth to be uniform throughout the whole mass. He, however, observes that it was possible, that the heat might be greater towards the centre than at the surface, as would necessarily be the case if the earth at any period had been much heated, and was gradually cooling, conformably to his ideas of the origin of the present arrangement of the solar system, given in the last edition of his *Exposition du Système du Monde.* He discusses this point, and proves from astronomical phenomena, that this decrease has been insensible since the time of Hipparchus. His reasoning is in substance as follows. If the temperature of the earth was suddenly to decrease one degree of Fahrenheit's thermometer, its dimensions would be decreased by a quantity which, for the sake of argument, may be supposed a two hundred thousandth part, which is nearly what takes place in glass. In consequence of this, the angular velocity of rotation would be increased about one hundred thousandth part, because, *by the principle of areas*, the sum of the areas described by each particle* of the earth about its axis of rotation, would not be

* Or, in other words, the momentum of rotation found by multiplying each particle by the square of its distance from the axis of rotation, and by its angular velocity, would be the same for the whole mass *before* and *after* the change of temperature.

altered by this change of temperature, and, as the length of the day is 86,400 seconds, this length would, by this means, be decreased nearly one second. This change of dimensions would not affect the earth's mass, or its attraction on the moon, and the *absolute* time of the moon's periodical revolution, which is nearly 27 days, would not be altered; but, being measured by days, which have *decreased* in length nearly one second, that period would appear longer by 27 times that decrement, or 23 seconds; so that if the earth's temperature had decreased one degree since the time of Hipparchus, the moon's periodical revolution about the earth would appear to have increased 23 seconds. Now it has been found, by observation, after allowing for the acceleration of the moon's motion, arising from the secular change in the eccentricity of the earth's orbit, that the periodic time of revolution has not suffered any perceptible change, since the earliest observations on record; therefore no change of temperature, of any moment, could have taken place in the earth during that period.

The theory, combined with astronomical observations, has done more for the determination of the *figure* of the earth, than the actual measures of the degrees of the meridian, which have been made in several countries, with great labor and expense, but without obtaining that degree of accuracy, which was reasonably to have been expected. The degree measured in Lapland, by Maupertuis and his associates, has been found more than two hundred toises too great, by the late measurement of Svanberg.* The degree of Austria, by Liesganig, has been proved by Baron de Zach to be so very inaccurate, as to be wholly undeserving of notice. The measures at the Cape of Good Hope, Peru, and Pennsylvania, are considered tolerably accurate, but not of the first order. The late ones in France and England have

* The discovery of this mistake would have mortified extremely the vanity of Maupertuis, who, upon his return from this northern expedition, published immediately an account of it, without waiting to know the result of the operations in Peru, wishing to appropriate to himself the whole honor of the operations, to which, in fact, he had contributed but a small portion. He also caused a portrait of himself to be engraved, in a Lapland dress, with his hand resting upon the northern part of a terrestrial globe, as if he was compressing it, and for some time he was called by his countrymen, 'l'aplatisseur de la terre;' (the flattener of the earth;) instead of giving the

surpassed all others in the accuracy of the instruments, and precautions of the observers; but even these, particularly the English measurement, have not escaped animadversion, on account of their discrepancies. The most probable combination of these measures, shows that the oblateness of the earth is between $\frac{1}{300}$ and $\frac{1}{310}$, agreeing with the results of the lunar theory. It may also be observed, that this oblateness being less than $\frac{1}{230}$, proves by Clairaut's theorem, beforementioned, that the earth increases in density from the surface towards the centre, confirming the proof deduced before from other sources.

The precession of the equinoxes is intimately connected with the theory of the earth, and the oblateness of its form. Newton was the first who discovered its cause, and that, in his hypothesis of a homogeneous earth, it was produced by the attraction of the sun and moon upon the protuberant matter or excess above a sphere, supposed to be described about the polar diameter. The calculation of the precession, by the theory of gravity, is one of the most difficult of all the celestial phenomena, and the one which has been the most fruitful in mistakes. Newton's calculations for a homogeneous ellipsoid, in the Principia, contained important errors in principles and in data. These remained without detection till the year 1749, above sixty years after its publication, when D'Alembert first gave the true principles of solution in his 'Recherches sur la Précession des Equinoxes.' The general results of his solution have been confirmed by the calculations of Euler, Lagrange, and Laplace, and are now universally admitted to be true. D'Alembert proved in this work, that the sun's attraction would produce *double* the precession, which Newton had calculated, and that this mistake

glory to Newton, who had proved forty years before, from the theory, that it must be flattened. Voltaire, who was *then* the friend of Maupertuis, wrote the four following lines, placed at the bottom of this portrait.

'Ce globe mal connu, qu'il a su mesurer
Devient un monument où sa gloire se fonde;
Son sort est de fixer *la figure du monde*,
De lui plaire et de l'éclairer.'

Voltaire, at a subsequent period, when addressing himself to the members of the Academy who composed the northern expedition, says with more justice,

'Vous avez recherché, dans ces lieux plein d'ennui,
Ceque Newton connut sans sortir de chez lui.'

was nearly balanced by another in his data, in taking the moon's disturbing force considerably greater than its true value. Several other astronomers and mathematicians have since written upon this subject with various success. Bevis, Silvabelle, Walmsey, Milner, Simpson, Landen, La Lande, and Robertson, have not proceeded upon correct principles. Several of them, like La Lande, adopted Simpson's erroneous method. D'Alembert, rather vexed to find La Lande had placed his solution upon a par with Simpson's, remarked, with some testiness; 'Le fameux problême de la Précession des équinoxes, dont J'ai donné le premier la solution en 1749, a été depuis *bien ou mal résolu* par beaucoup d'autres Géometres. M. de la Lande, dans un *vaste Recueil* qu'il a publié *sous le titre d'Astronomie*, n'ayant pas distingué celles de ces solutions, qui sont défecteuses d'avec celles qui ne le sont pas, s'est contenté de les indiquer toutes *in globo*, et de dire qu'elles *ne sont pas d'accord*.' Dr Horsley, in his edition of Newton's works, adopts the prudent course of not expressing his opinion, and though fond of giving his own notes, and in many cases where no commentary was necessary, in the part treating of the precession, he very unceremoniously turns the reader over to Euler and Simpson, not wishing to decide upon so difficult a point.*

The theory of the tides, first explained by Newton, and afterwards by Maclaurin and Bernoulli, in their prize papers of 1740, has been fully examined by Laplace, in the fourth book of his *Mécanique Céleste*, and in a paper published in the Memoirs of the Academy of Arts and Sciences of Paris, for 1818. In these works he fully analyses all the effects of the change of distances, declinations, velocities or elongations of the sun and moon, and compares his theory with the observations made at Brest, during two successive periods of six and eight years; giving analytical formulas for computing the times of the tides, their heights, and all the effects arising from the change of situation and distances of the sun and moon; the whole subject being treated very much in detail, and in a satisfactory manner.

* The following is Dr Horsley's note;
Quem tamen longè alium invenerunt viri permagni Eulerus et Simpsonus nostras; quos velim Lector consulas. Ipse nil definio.

Before closing this review, it may not be amiss to mention a few of the most noted works on astronomy, in which the state of the science, as it now exists, may be found. The *Astronomie* by La Lande, in 3 vols. 4to, third edition, 1792,* is complete up to the time of its publication. It contains a description of astronomical instruments, and the methods of reducing the observations, an account of the most noted European observatories, a good treatise of spherics, with most of the formulas, used in astronomical calculations, and a collection of tables of the motions of all the planets, particularly Delambre's of the Sun, Saturn, Jupiter and its Satellites. This was the standard work to which astronomers referred for nearly half a century; nothing so complete had ever before been published. It contains a number of things that might as well have been omitted, but it is an extremely useful and interesting work for astronomers. Without having mathematical talents of the first order, La Lande, by his great zeal and devotion to astronomy, did much for its improvement. All parts of that science, which required no more than an accurate knowledge of spherics, and the elementary calculations of the perturbations of the motions of the planets, by their mutual attractions, were quite within the compass of his abilities; but when he attempted to explain and calculate the forces, which cause the precession of the equinoxes and the change of the inclinations of the lunar orbit, he laid himself open to the sneers of those, who, like D'Alembert, were offended with his excessive egotism. This foible in La Lande's character was carried to a great excess. It is to be seen in his *Bibliographie*, at every moment. In mentioning the year 1732, he remarks, 'Cette année, qui *est celle de ma naissance*, est remarquable pour l'astronomie.' In speaking of his astronomy he says, 'il a été utile en formant presque *tous les astronomes qui existent actuellement.*' He could bear the most fulsome flattery. His bust, made of Carrarian marble, having been placed in an Italian observatory, mention was made of it in a printed letter, in which it was called *il dio dell' astronomia*, (the God of Astronomy.) He thought the compliment rather extravagant,

* There was also a fourth volume relative to the tides at Brest, which was not republished with the third edition.

but was, notwithstanding, very much delighted with it. This weakness was, however, useful to astronomy. It induced him to keep up a correspondence with men of science in all parts of the world, and made him, for many years, the centre of information on all astronomical subjects.

The 'Complete System of Astronomy,' by Professor Vince, in 3 vols. 4to, 1797, 1799, and 1808, contains much useful matter, but it must be acknowledged, that it bears many marks of a crude compilation, particularly in the tables, in some of which the anomaly is counted from the aphelion, in others from the perihelion, some have all the corrections additive, others not; being copied from the works of La Lande, Delambre, and Burg, in the forms in which they were published, without taking the trouble to make much alteration, except in adapting them to the meridian of Greenwich. This mixture of different forms and systems, in the same collection of tables, may frequently lead to error, and it is to be regretted that Professor Vince did not adopt some fixed plan, and carry it fully through. The ease with which the use of the signs *plus* and *minus* is avoided in the solar tables, published by Delambre, and in those of Jupiter and Saturn, by Bouvard, makes the defect of Professor Vince's tables very apparent. Several parts of the translation of the introduction to his copy of Burg's tables are difficult to understand, without referring to the original work published by Delambre, the translation being quite imperfect and filled with errors.

Notwithstanding these defects, the work is valuable for its extensive compilation of tables of the motions of the heavenly bodies, the catalogues of the fixed stars, and the numerous auxiliary tables for facilitating most of the calculations of the practical astronomer.

The '*Astronomie Théorique et Pratique*,' by Delambre, in 1814, 3 vols. 4to, is an excellent work, but deficient in tables. All the instruments are described with the most approved methods of rectification. One of his chapters contains a good treatise on spherical trigonometry and the differential analogies, so useful in all branches of astronomy. It abounds with numerous formulas for the calculation of the effects of refraction, parallax, aberration, nutation, &c. His demonstrations are easy to follow, being quite full, without

omitting the detail of any important part. He explains the formation of the tables of the sun, moon, planets, satellites, and catalogues of the fixed stars, and gives everything which can serve to show the present state of astronomy, excepting a good collection of tables of the motions of the heavenly bodies. To supply this deficiency a person, who owns this work, would do well to procure Zach's or Delambre's solar tables, and the tables of the Planets and Satellites, whose titles are mentioned at the beginning of this review.

The *Elementi di Astronomia*, published in 1819, at Padua, by Santini, in two quarto volumes, contains the most noted theorems in spherics, and the formulas generally used in calculations of astronomy, particularly, a detailed account of the methods of Olbers and Gauss for computing the orbits of comets or planets, with Burckhardt's tables of motion for a parabola, and Gauss's tables for an ellipsis or hyperbola. It is a much smaller work than those just mentioned, does not contain the description of astronomical instruments, has but few plates, and no tables of the motions of the heavenly bodies, but is a good work of its kind.

About the year 1798, Schubert published a system of astronomy in 3 vols. 4to, in the German language, and in 1804, 1810, a smaller one, entitled '*Populäre Astronomie*,' in 3 vols. 8vo. Each volume of this latter work treats of a different division of the science, *spherical*, *theoretical*, and *physical*. It is executed in the best manner, and is well adapted to popular use. Within a short time he has reprinted his large treatise, in the French language, making many improvements in it, to adapt it to the present state of science, so that it may be considered as a new work. The well known talents of the author are a sure pledge of its excellence. Many other useful works on astronomy, of a more limited extent, might be mentioned, as those published by Biot, Woodhouse, Brinkley, and others, but the limits of this Review will not permit a full enumeration of them.

In several of these treatises an abridged history of astronomy is given, and the same is likewise to be found in various Cyclopedias and histories of the mathematics, as Montucla's, and Bossut's. There are, likewise, separate works on this subject, as Bailly's *Histoire de l'Astronomie Ancienne et Moderne*, some parts of which are beautiful, though he endea-

vours, throughout the whole work, to support his fanciful theory of the antediluvian origin of the science. It has, however, been objected to Bailly, that he took too much pains to render his writings, on scientific subjects, elegant, and that he *sometimes sacrificed the truth to his fondness for polished sentences and antitheses.* Baron de Zach, in speaking of him, makes this remark, 'Les astronomes n'ont que *trop justement reproché* a leur malhereux confrère Bailly, d'avoir été *grand phrasier*, ainsi que D'Alembert et Condorcet. Il a souvent sacrifié la vérité à une tirade, à une antithèse.'

Delambre published in 2 vols. 4to, in 1817, his *Histoire de l'Astronomie Ancienne*, giving extracts from each author, which enable the reader to form a correct idea of the works of the most noted astronomers of antiquity. He has continued the subject in his *Histoire de l'Astronomie du Moyen Age*, in 1 vol. 4to, in 1819, and his *Histoire de l'Astronomie Moderne*, in 2 vols. 4to, in 1821, in which the same plan is pursued. This history is continued to the end of the seventeenth century, and is an excellent work. Delambre's labors were extremely useful to astronomy. The history just mentioned, in 5 vols. 4to, his astronomy in 3 vols. 4to, and the work on the measure of the arch of the meridian,* in 3 vols. 4to, form by no means, the greater part of his labors. His tables of the Sun, Jupiter, Saturn, and the Satellites of Jupiter, required several years' incessant application to complete them. He invented and simplified numerous useful formulas, and in almost everything he wrote, there was a great degree of method and elegance. As perpetual Secretary of the Institute, he made several annual reports, and delivered a number of eulogies on the deceased members, which deserve high commendation for their completeness and impartiality.

The history of the appearances of comets is given by Pingré, in his *Cométographie*, in 2 vols. 4to, which contains, also, a collection of tables and formulas, for computing their motions.

The periodical journals exclusively devoted to astronomy are numerous; as the Nautical Almanac, *Connoissance des Tems*, Bode's *Jahrbuch*, *etc.* The two last works contain numerous memoirs and accounts of discoveries, useful for a

* Several astronomers assisted in this measure, as Méchain, Arago, Biot, &c. but the account of their labors was drawn up by Delambre.

history of the science. The *Monatliche Correspondenz*, published by Baron de Zach from 1800 to 1813, and his *Correspondance Astronomique*, from 1818 to the present time; to which we must add the *Zeitschrift für Astronomie*, by Lindeneau and Bohnenberger, from 1816 to 1818, contain a very full and interesting account of all the discoveries and works on astronomy, during that period, so remarkable for the importance of those discoveries and the improvements in various branches of that science.

The part of astronomy, which treats of the mutual attractions of the heavenly bodies, may be studied most advantageously, in the works of Clairaut, Euler, D'Alembert, Lagrange, and Laplace. Clairaut's *Théorie de la Figure de la Terre*, is an important work. Several of his papers on the lunar theory were useful in their day, but have been superseded by the improved works of later authors. Euler's publications are extremely voluminous. Besides his separate works on all points of the system of the world, there are numerous papers of his in the transactions of the Academies of Berlin and Petersburgh, many of which are highly finished compositions, fit to be studied as models of analytical elegance. D'Alembert published several literary works, eulogies of deceased academicians, and many important articles in the *Cyclopedia*, particularly the Introduction prefixed to the first volume, also numerous memoirs in the transactions of several academies, of which he was an associate, and at intervals, he gave separately his *Opuscules*, and other mathematical and philosophical papers, in about fifteen volumes, 4to. He introduced into the calculation of problems of dynamics, an important principle by which they were all reduced to the usual calculations of statics; he also showed how to express the motions of fluids in terms of partial differentials. Euler and D'Alembert were cotemporaries, and excelled all others of their time, in mathematical genius and invention. Their talents were different, but it was not easy to decide which, on the whole, deserved the preference. D'Alembert's inventive powers were great, but he generally did not take much pains in finishing and explaining his scientific discoveries. Euler devoted himself to the improvement of the methods of analysis, and with great patience would copy a whole volume, to make a few changes in its arrangement to render it more clear, or to introduce

some small corrections and modifications; and what D'Alembert invented, Euler would frequently simplify, adorn, and explain. The course of life of these two illustrious men was very different. D'Alembert's literary acquirements, his great wit, mixed with some spice of malice, the boldness of his attacks on the most commonly received opinions in religion and government, as in some of the articles of the *Cyclopedia*, and his connexion and intercourse with Voltaire, raised up against him numerous enemies, who, by their incessant attacks, embittered his life, so that he was sometimes willing to retire awhile from this vexatious scene, and take refuge, as he says in one of his letters, in his 'peaceful geometry.' Euler's life, on the contrary, was peaceful and glorious. In his intercourse with the haughty Frederick of Prussia, at whose court he resided, as President of the Academy, he obtained at all times those attentions and civilities due to a man of his great worth, and for several years he experienced none of those ill natured sallies of wit and sarcasm, with which that monarch frequently indulged himself, at the expense of the literary and scientific men, whom he had collected around him. Upon some breach of decorum on the part of the King, Euler demanded his passports, which Frederick very reluctantly granted. Euler then accepted the invitation of the Empress Catherine, and went to Petersburgh, where he was placed at the head of the mathematical department of the Academy of Arts and Sciences of that city, and everything was done to render the situation agreeable to him and to his family. Among other honors, he had the offer of some military title, a circumstance which strongly marks the nature of the Russian government, where every one takes rank according to his military standing. It is unnecessary to say, that Euler declined the proposed honor. He continued at Petersburgh till his death, which happened in 1783, in the seventysixth year of his age. He had lost his sight several years before, but his astonishing powers of computation, by memory, remained unimpaired, and a few minutes before his dissolution, he had been employed on some calculations of the orbit of the then newly discovered planet Uranus.

Upon the decease of Euler, Lagrange remained undisputedly the greatest mathematician then living. He had

published many memoirs in the collections of several academies, with which he was associated; among them may be particularly mentioned those, in which the discovery of the *calculus of variations* is explained, a method, which extends the powers of the differential calculus, and simplifies, in a wonderful degree, the solution of a large class of interesting questions, in pure and mixed mathematics, useful in many cases of physical astronomy; also his papers on the libration of the moon, on the mutual attractions of the satellites, on the theory of functions; but, above all others, his *Mécanique Analytique*. In this work, he made a great improvement in the method of applying the principle of D'Alembert, for reducing the problems of dynamics to statics. The method used by D'Alembert was indirect, and sometimes troublesome, but Lagrange, by connecting with it the principle of *virtual velocities*, was enabled, in an extremely simple, elegant, and general manner, to reduce all the problems of mechanics to the common formulas of analysis, and the most complicated questions on the attractions of bodies were reduced to the solution of algebraical and differential equations. This work was written at Berlin, but Lagrange wished to have it printed at Paris, where it could be executed in a better style. A copy was made and forwarded to the care of the Abbé Marie, and it would now hardly be believed, that he could not, in 1788, get a printer to undertake the publication of that single quarto volume, without a guarantee to pay the expenses, in case the sale of the work should not be sufficient. The Abbé agreed to this condition, and did even more; for, at his own expense, he procured the assistance of one of the first mathematicians of Paris, Legendre, to overlook the publication, and see that it was printed correctly. The second edition of this immortal work, was published in 1811, with many additions and improvements, showing the vigor of his mind, though in extreme old age. Unfortunately for science, he did not live to complete the whole of the second volume, and a few of the last chapters are given exactly as in the first edition. This work ought to be studied frequently, by every one who wishes to learn the most approved methods of treating the science of physical astronomy. It is much easier to be read than Laplace's *Mécanique Céleste*, as it does not go into the

detail and numerical calculations, which are necessary in the application of the formulas. Lagrange succeeded Euler in the direction of the academy at Berlin, and he resided there till the death of Frederick; soon after which, in the year 1787, he was invited by the French minister to accept an appointment at Paris, where he remained till his decease, in 1813. For several years after his return to Paris, he was affected with a melancholy depression of spirits, or apathy, which made him wholly inattentive to mathematical pursuits; he said his enthusiasm was extinct; and, for two years after his *Mécanique Analytique* had been printed, his curiosity had not been sufficiently excited to cut open the leaves and look at his printed copy. A mind like Lagrange's could not, however, be unoccupied. The discoveries that had been made in chemistry, and the new nomenclature, attracted his attention; he studied that science, which had formerly appeared obscure, and was surprised to find it, to use his own expression, *as easy as algebra;* he attended also to other branches of science, to literature, and to metaphysics. The revolution, which soon after took place, again excited him, and renewed his zeal for his former pursuits; and, in the few last years of his life, he appeared with all the energy of his best days. He was a great admirer of the talents and writings of Newton, but remarked, that Newton must be considered as very fortunate, in being born at a time, when an *opportunity* was given him to explain the system of the world; a good fortune, added he, with an air of chagrin, that *one does not meet with every day.* He recommended the writings of Euler to students as models, without seeming to be aware, that nothing better could be offered for their imitation than some of his own works.

The discoveries of Laplace, who now takes the lead in mathematical acquirements, have been very numerous and important; several of them have already been mentioned. It would extend too far the limits of this review to attempt to analyse, or give a particular account of his great work, the *Mécanique Céleste*, in which all his improvements are embodied with those of the eminent men, who preceded him; the whole forming a complete and beautiful system of all that is now known in physical astronomy. Those, who take pleasure in the abstruse investigation of modern analysis, may there

find it applied, with great elegance, to the demonstration of all the principles of dynamics, to the figures and motions of the planetary bodies, satellites, and comets, and to the effects of their mutual attractions. The theorems and principles contained in this work have been explained by Laplace, in as popular a manner as the nature of the subject would admit, in his *Exposition du Système du Monde*, which has gone through five editions, with numerous improvements. Whoever will make himself master of these works, will have no need to seek in other sources for anything relative to the principles of physical astronomy, or the application of those principles to the system of the world.

Art. V.—*Letters on the Gospels.* By Miss Hannah Adams. 18mo. pp. 216. Cambridge. Hilliard & Metcalf. 1824.

The author of these letters has long been known to the public, as a successful writer on theological subjects, and as having rendered essential service to religion, by the productions of her pen. Her *Views of Religions*, or, as she denominates it in the last edition, her *Dictionary of all Religions and Religious Denominations*, has been a popular work from the time of its first publication. It has passed through four editions, the last of which is enlarged and greatly improved. It was published in England, with a preface and additions, by Mr Andrew Fuller; and also in another form by Mr Thomas Williams, who likewise made alterations. To both these editors, Miss Adams acknowledges herself indebted, for some of the improvements of her fourth edition. This work is the best manual with which we are acquainted, for giving information respecting the religious views now entertained by Christians, and such as have prevailed in different ages, since the origin of Christianity. It has the peculiar merit of the strictest candor and impartiality; and so completely has the author divested herself of all individual prepossessions, that it may be doubted whether, from a single passage in the whole work, her own religious sentiments can be inferred. This freedom from personal bias, in exhibiting the views of others, especially on topics rarely touched without calling out private opinion, in-

spires confidence in her statements, as well as respect for her judgment and christian charity.

The public is also indebted to Miss Adams for a *History of the Jews, from the Destruction of Jerusalem to the Nineteenth Century.* This is a judicious and well arranged compilation from the best authors, and brings to the knowledge of the reader, all the important incidents in the history of that remarkable people, from the destruction of their city, down to recent times. It speaks of the persecution suffered by the Jews, their religious ceremonies and tenets, their various conditions as a people, and their steadfastness in adhering, under every vicissitude of fortune, to their national peculiarities.

Miss Adams's *Summary History of New England* has been commended for its accuracy, and the perspicuity of its style.

The reputation, which she has acquired by the above works, will not suffer by her *Letters on the Gospels.* She professes to have written them for the improvement of the young, and to this end they are exceedingly well adapted. Every one knows, that throughout the writings of the Evangelists, perpetual allusions are made to the customs of the times, local circumstances, the religion of the Jews, and habits of thinking peculiar to the age; and that, without a knowledge of these particulars, the meaning of Scripture is, in many parts, obscure and uncertain. Had facts of this sort always been sought out and carefully studied, by those who have undertaken to interpret the Scriptures, the world might have been spared a thousand absurdities, which have gone abroad in the garb of commentaries and annotations, and the substance of religion might have been profited by the labor and ingenuity, that have been wasted on its unreal forms. In her first letter, Miss Adams has the following just remarks; 'While attentively perusing the New Testament, always bear in mind that the Gospel was first preached to the Jews, in Judea, and that the Evangelists and Apostles, with the exception, perhaps, of St Luke, were all of the Hebrew nation. Much of the peculiar beauty of the inspired writings cannot be perceived, unless the history, condition, and character of the Jews have become objects of your attention, not only during the period of the Mosaic dispensation, as recorded in the Old Testa-

ment, but at the time of our Lord's appearance. It is also important to understand the frequent allusions in the New Testament to their opinions, habits, manners, and ceremonies. A view of the darkness and depravity which prevailed in the world, both among the Jews and Gentiles, at the period when our Saviour appeared upon earth, will enable you to appreciate more justly the divine excellence of the christian dispensation.' To supply the means for making these acquisitions, and arriving at a clear understanding of the New Testament, is the special purpose of the author.

She begins with a general description of the state of the world, at the time our Saviour appeared, in regard to the government, learning, philosophy, superstitions, and objects of worship among the Gentile nations; and also the civil and religious condition of the Jews, the sects and parties into which they were divided, the Pharisees, Sadducees, and those whose opinions were tinctured with the Oriental philosophy. She next proceeds to a short geographical sketch of the Holy Land, and of the principal cities, villages, mountains, and other places, that are made famous in the history of our Lord. This is followed by a brief history of Jerusalem since that time. Several letters are then devoted to the discourses of our Saviour, in which the numerous allusions to the opinions and habits of the Jews are pointed out, and aptly explained. This part is highly interesting, and is calculated to lend important aids to the young student of the Gospels, as well as to instruct the more practised reader of the Scriptures, who has not turned his thoughts to these subjects. The miracles next come under notice. This head might have been enlarged upon to advantage, but as far as the author goes she speaks to the purpose, and throws light on several texts of Scripture. The parables engage more of her attention, and she explains in a very happy manner, and by numerous illustrations, this beautiful mode of conveying instruction, so successfully practised by our Saviour. Some of the more important parables, such as those of the good Samaritan, the prodigal son, the rich man, the marriage supper, and the pharisee and publican, are separately considered, and the meaning of their particular parts deduced from the circumstances under which they were delivered. A series of miscellaneous letters embraces an account of

the funeral rites of the Jews, the character of Herod and of Pilate, the prophecies of our Lord, and the forms of salutation in the East. The whole is concluded with a body of questions, adapted to the leading topics of each letter, and designed for the use of instructers in examining the progress of their pupils, or to refresh the reader's own recollection.

Such is an imperfect outline of this little volume. It will be seen, that its subjects are important; they are treated in so direct and familiar a manner, as to be brought down to the entire comprehension of every mind. Considering the cheapness of the volume, the agreeable manner in which it is written, and the numerous illustrations of Scripture which it contains, it may safely be recommended as claiming a place in the library of every family, where there are young minds to be instructed, and older ones that love to read the Scriptures with a clear sense of their meaning and force.

In this place we are tempted to add a few words on a point, which the perusal of these letters has brought strongly to mind. It is the argument, which the success of the christian religion at its origin affords in favor of its divinity and truth; not that there is anything new in this argument, but that the examination of the topics above enumerated presents it in an imposing light.

The success of the christian religion, in the first age of its growth, becomes a matter of surprise, when we look at the *obstacles* with which it had to contend, the *means* by which these obstacles were encountered, and the *fact* that these means were effectual.

As to the *obstacles*, which opposed the introduction of christianity, they were formidable beyond what can now easily be imagined. They existed in the customs, opinions, prejudices, and perverseness of the Jews, to whom it was first preached, and in the spiritual darkness, and moral degradation of the Gentiles. The Jews had early received the books of Moses as of divine authority, and the writings of the Prophets were considered no less the word of God. It is certain, that the descendants of Abraham separated themselves at a very early period from the rest of the world, were governed by laws essentially different from other nations, and became distinguished by modes of life, and habits of thinking, feeling, and acting, peculiar to themselves. The demon-

strations, which they had perpetually before them, of being under the special guidance of the Supreme Being, quickened their pride, caused them to magnify their privileges, and to fancy themselves superior to other nations. From numerous intimations in their prophetical writings, they had long expected the coming of the Messiah. In him they were looking for a prince, a judge, a redeemer, a deliverer; but it was from their political troubles, and their distresses as a nation, from which they fondly imagined he would deliver them. When Christ appeared, they had become a degraded province, and were suffering under the cruel tyranny of the Romans.

Such was the political condition of the Jews, such their national prejudices, and such their expectations in regard to the character of the Messiah, and the objects of his mission. These were powerful obstacles to the introduction of a religion, like that of Jesus Christ. How would the people believe *him* to be their long expected Messiah, whose character and conduct were so opposite to all their anticipations? Instead of coming in the splendor and power of a prince, he appeared an humble peasant of Gallilee, a province proverbial for its poverty and insignificance, and from which it had long been the belief, that no good thing could come. He did nothing to promote their political aggrandisement; he placed before them no prospects of military glory and conquest; and instead of offering to rescue them from bondage, he chided them for their rebellious spirit, and commanded them to submit to their condition.

And further, the religious impressions of the Jews presented another obstacle. They believed their religion to come immediately from God. With them, civil and religious laws were the same. Their national concerns, their religious ceremonies, and the occupations of private life, were regulated by the same rules. The *religion* of the Jews mingled with all their intercourse, and gave a tone to their thoughts, their habits, their manners. In this consisted the whole compass of their education. It was an entire system of law and morality, of faith and piety. No Jew had any conception, that it could be improved or altered. It was the glory of his nation, the foundation of its present existence, and the hope of its future greatness and prosperity. With these im-

pressions, nothing could be more remote from the minds and feelings of the Jews, than that any change was either necessary or possible in their religion.

But these are a part only of the obstacles, with which the christian religion had to contend. It was, also, to be preached to the Gentiles. And what was there in its character to recommend it to them? Or rather, what was there, which was not at war with all their prejudices, prepossessions, and religious ceremonies? In the first place, the Jewish nation itfelf had become a byeword to the rest of the world. Their customs, and the exclusive nature of their laws, had raised barriers between them and every other nation. The contempt, with which they affected to regard their neighbors, was returned in full measure. Next, the character, which Christ sustained while on earth, was not one, which would command the respect of the Gentiles any more than the Jews. How could they believe the divine nature and authority of his doctrines, when they had no knowledge of the God of Israel, by whose power he acted, and by whose spirit he was enlightened? Confirmed in a mythology and worship of their own, which were rendered sacred by the most cherished associations, and all that was dear to them in the memory of their ancestors, how could they believe, that a Jew of Nazareth had been sent from heaven to proclaim a system of divine truths, that should overthrow, and root up the system, which they regarded with so much veneration; and that should work an entire revolution in the morals, manners, and religion of the world?

Again, the manner in which Christ died was calculated to excite abhorrence in the minds, both of the Jews and the heathens, or Gentiles. The death of the cross was one, to which only the worst of criminals were condemned. No doctrine could have been proposed to the people, at which they would so suddenly revolt, and which they would so immediately reject, as the doctrine of the cross. And yet, this doctrine was a prominent feature in the preaching of the Apostles. No doctrine could be more unpopular, or do greater violence to the prejudices of all parties, the high and low, the wise and ignorant, yet the Apostles persevered in preaching it; they resorted to no schemes of compromise; they maintained a stern integrity, and firm adherence to truth,

without yielding to the vices, the follies, or the weaknesses of men. They preached the Gospel, as it had been delivered to them by their divine master, leaving it to find its own way into the heart and the understanding, without attempting to remove or diminish the vast obstacles, which stood like the mountains of ages to oppose its progress.

It may be added, also, that the moral character and the purifying spirit of the christian religion, its precepts and commands, were totally at variance with the morals and manners of the whole world at that period; so that the religion of Jesus had not only to contend with the prejudices, the firmly rooted opinions, and the hereditary customs of all nations; but also their passions, their vices, their inclinations, their worldly propensities, and worldly affections.

Considering the formidable obstacles, at which we have but partially hinted, what *means* should we expect would overcome them? Should we look for anything less, than the highest efforts of human wisdom and learning in the persons, who should attempt to remove the prejudices, and correct the vices of a world sunk in depravity and darkened with error? Should we not even then say, that success would be wholly beyond the reach of human probability? But what was the fact? A few obscure, uneducated men, who had no knowledge of the world, without patronage or aid, without any countenance from the wise, or strength from the powerful, set out to accomplish a revolution greater than ever had been contemplated, by the most enthusiastic and fortunate conqueror,—a revolution, which had for its object, not the downfall of nations and the glory of conquest, but the peace, harmony, virtue, and happiness of the whole human race. The preachers of Christianity, to all human appearance, were absolutely the last men, who could be supposed qualified for so extraordinary an enterprise.

And what kind of people did these preachers go abroad to convince and convert? The age was not more remarkable for error, superstition, and wickedness, than for intellectual refinement. It was a proud era of the arts and sciences in Greece, and the meridian glory of Roman greatness. Philosophy had taught men to reason and think; eloquence and poetry to invent, define, and adorn. The Apostles, unlettered, uninformed as they were, came resolutely forward to combat

learning, ingenuity, wit, eloquence. Imagine to yourself a small band of fishermen from Genesareth, going into the cities of Greece, reasoning with their wise men, confuting their arguments, and drawing after them multitudes of followers, adherents to a cause, which was held in universal contempt, and which subjected every person, who embraced it, to privations, reproach, and sufferings. Imagine these men in the synagogues of the Jews, reasoning with the learned doctors on the most difficult points of the law, and proving the truth of their doctrines from the very arguments brought to confute them. Imagine St Paul, who tells us he was rude in speech, and weak in bodily presence, imagine this man standing before a powerful king, and uttering his sentiments in a strain of bold, nervous, manly eloquence, which made the heathen monarch himself exclaim, 'Paul, almost thou persuadest me to be a Christian.' Imagine him in the enlightened city of Athens, boldly chiding the Athenians for their idolatry, and their superstition, preaching Jesus and the resurrection, and making known the existence, attributes, and glory of the one true God. By what power did Paul and Barnabas preach and teach in Lystra, till the people exclaimed, 'The gods have come down to us in the likeness of men?' By what magic did these Apostles, uninformed and unpractised in the arts of the world, impress with conviction and fill with astonishment the minds not only of the ignorant and simple, but of the learned, the wise, the powerful? What sufferings did they not endure? Imprisoned, scourged, and stoned; reviled and mocked; persecuted and despised, what influence could we expect they would have, in preaching the unwelcome doctrines of the cross, convincing the world of error, conquering the omnipotence of opinion, subduing the pride of knowledge and wisdom, destroying the dominion of prejudice, and in severing the unhallowed union of religion and vice, of unprincipled ambition and morals, of devotion and debasing ceremonies?

But they succeeded; prejudice and pride yielded before them; the ignorant were enlightened, and the obstinate convinced; and the religion of Jesus rapidly spread itself throughout the whole civilised world. The Apostles themselves travelled over many parts of Asia and Africa, and to the remote regions of Europe. One generation had not

passed away, before churches were established in all the land of the patriarchs, in Greece, Italy, Egypt, and the far distant countries of Ethiopia; and this, by the means we have been considering. The spirit of persecution breathed its venom; the arm of tyranny was raised in anger, and the followers of Jesus were led to martyrdom. They triumphed in their fate, and gloriously tested the strength of their faith, the firmness of their principles, and the joyful hopes of their religion, by a sacrifice of their lives. And notwithstanding these appalling obstacles, this religion advanced with a celerity altogether beyond any anticipations, which could have been warranted by the most fortunate circumstances. Had it been sanctioned by the belief, and supported by the edicts of princes and governors; had it been promulgated by preachers of the highest worldly wisdom and attainments; had it flattered the vanity and encouraged the vices of men; had it appealed to their passions, their interests, their feelings; even then, the broadest latitude of human probability could never have encouraged the hope, that its success would be so rapid, extensive, and permanent.

What then shall we say, when we compare the obstacles, the means, and the results? Is nothing but the power of man here? Since the foundation of the world, when has the power of man been adequate to such effects? It was a remark of one of the ancient fathers, who lived fifteen hundred years ago, to the unbelievers of his time; 'If ye will not believe the miracles of the Apostles, ye must at least believe this miracle, that the world was by such instruments, without miracles, converted.' In his opinion it was not a less wonderful, and in itself, a less incredible fact, that the Gospel should succeed as it did, than that the Apostles should work the miracles recorded in their writings. Without referring to a supernatural agency, one is comparatively as unaccountable as the other. But the fact of the success of the Gospel is before our eyes. It is confirmed by authentic historical records. The experience of every age has given additional proof; and one simple question remains. How is it to be accounted for? To this question there is but one answer, and it is short. What the Evangelists wrote was true; Christ was the 'power of God and the wisdom of God;' his religion was from Heaven, and the Apostles published it

to the world as they were instructed by him, and assisted by the Holy Spirit of the Most High. The religion of Jesus has gone forth to every quarter of the globe, taking up its abode especially in the most enlightened and civilised countries, where its claims could be examined, and its excellence estimated. It has made reason its champion, and enlisted the affections on its side. It has become triumphant by the mild and persuasive influence of its doctrines; its support is in the convictions and consciences of men. Where has it prevailed, and has not carried light to the ignorant, consolation to the afflicted, and hope to the desponding? If such a religion be not true, well may we exclaim, with the astonished and inquiring Roman, *What is truth?*

ART. VI.—*Pulaski Vindicated from an Unsupported Charge, inconsiderately or malignantly introduced in Judge Johnson's Sketches of the Life and Correspondence of Major General Nathaniel Greene.* 8vo. pp. 37. Baltimore, 1824.

THE dismemberment of Poland, effected by the perfidy and ambition of three despotic powers, has ever been regarded, by the friends of liberty and justice, with the utmost indignation and abhorrence. It was a deed of infamy, which can find no parallel in history, and which, under any of the forms of civil society, would be looked upon as a crime, that could only be expiated by the severest penalties of violated law. The government of Poland, it is true, had grown weak by factions, and was sunk under the burthen of its ill organised constitution. It had once been the pride of the Poles to rally round the standard of what was called, and what in reality was in some of its features, a republican system. The privilege of election, that great palladium of political right, was enjoyed to a considerable extent, and for a time afforded a salutary check to absolute tyranny in the rulers. In the best periods of its administration, however, the Polish government was composed of strangely mixed and discordant elements. The King was elected, but the authority conferred by the crown was almost nothing; the Diet, or legislative

assembly, was elected, but this assembly was always a theatre of anarchy and faction; it was composed of nobles, who looked only to their own interest, and who were encouraged by each other's example to practise any enormity without shame, to gain their ends. The mass of the people were serfs, degraded by slavery and ignorance. In short, the government of Poland was of a most anomalous character, exhibiting the singular union of a corrupt and factious aristocracy, a monarchy without power, and a democracy without freedom.

Such a system must necessarily decay and go to ruin; the nobles perpetually encroached on the royal prerogatives, few and contracted as they were; they controlled the elections; and at length they took the government effectually into their hands, by introducing into the Diet the *liberum veto*, or the privilege of any member by his single voice to dissolve the assembly, and stop further proceedings. This was usurping a power, which the king did not possess, and which was plainly destructive of all the good purposes to be effected by a deliberative body. The responsibility of public officers was destroyed, for none could fail to find a friend in the Diet, who would stop any investigation into his conduct, if occasion required.

It was at the time when these evils in the government had grown to their greatest height, and its vital energies were paralysed, that the cabinets of Russia, Austria, and Prussia, formed the insidious design of taking advantage of the weakness of Poland to crush its political existence, and, in the true spirit of freebooters, to divide among themselves the plunder of the country, which they had conspired to dismember and ruin. This scheme of infamy was carried into effect, and has fixed a stigma on the character of its projectors, which will forever remain as one of the deepest stains in the history of the civilised world.

That the Poles should be roused by so flagrant an act of indignity and oppression, was not surprising. Civil wars broke out; the despots procured partisans by the influence of money and intrigue, and by the force of arms; they spared no pains to kindle the flame of civil discord, that they might the more easily conquer and divide. The spirit of freedom is natural to man, and it was not yet extinct in the

breasts of many of the Poles, notwithstanding the degraded state to which they were reduced as a nation. The crisis called out some men of high and noble minds, genuine patriots, in whom the love of country and of freedom overcame every other passion, and incited them to deeds of heroism and valor, that have seldom been surpassed. To many distinguished Poles, who signalised themselves at that time, and during the succeeding struggles, might the words of the poet be applied with scarcely less force, than to the renowned hero, whose fame they celebrate;

> 'But should we wish to warm us on our way
> Through Poland, there is Kosciusko's name
> Might scatter fire through ice, like Hecla's flame.'

Among those, who stood in the foremost ranks of patriotism and valor, at the beginning of the contest, who were the first to resist oppression and raise the standard of freedom and right, was Count Pulaski. He fought to restore the falling liberties of his country, with an ardor which nothing could repress, and with a perseverance which no obstacles could diminish, while a gleam of hope remained, that Poland could be saved from the destiny threatened by its enemies. The combined power of three empires drove him from his country, and he arrived in America in time to fight for our own cause of independence, and to die on a foreign shore in defending those principles of justice and liberty, whose growth a wicked conspiracy of despots had blasted on his native soil. As Americans, it is our duty to cherish the fame of Pulaski; he came to us in the midst of our wants and our perils, when we needed the aid of soldiers like himself, ardent in our cause for its own sake, and tried by the severest discipline of experience; he died in assisting to procure the freedom, which we now enjoy, and which every American deems the first of his earthly privileges. We care not to look farther; to these claims alone we are willing to yield up our hearts. In a case like this, we should revolt at the thought of removing the veil, and searching for personal motives; these no doubt he had, for without them he could not have been a man; but it is not by his private personal views, whatever they may have been, that his character is to be weighed; nor by the cold cant that he was a soldier of for-

tune, that his merits are to be estimated, in the United States. The plain question is, what did he do for us, and what did he sacrifice in our behalf? He served us most devotedly, he fought bravely, and he sacrificed his life. We envy not the feelings of an American citizen, who has not gratitude for deeds like these, and whose sense of justice, as well as of gratitude, does not place Pulaski high on the revered list of heroes, by whose united exertions our independence was achieved.

Under impressions like these, it was with sincere regret, that in this country we should find occasion given for any one to write a pamphlet, with the avowed object of *vindicating* the fame of Pulaski from the injurious charge of an American historian; and surprise is mingled with regret, when we learn, that the charge is intended to throw a slur on the military character of a man, whom the world has lauded with a unanimous voice for his skill and bravery as a soldier. To this point we shall again recur. The author of the pamphlet, we are given to understand, is a gentleman of high respectability, who was an officer in Pulaski's legion, from the time it was first organised till its dissolution, who was daily with the commander during this period, was at his side when he received the fatal wound at the attack on Savannah, and attended him during the last moments of his life. From such a source the work claims our fullest confidence, and we shall take the liberty of presenting to our readers, in the author's own words, such portions of his narrative, as throw light on the character of Pulaski, and as contain some facts but little known in the history of the revolution.

A very brief sketch is given of Pulaski's exertions before he came to this country.

'It is well known,' says the author, 'that for several years previous to the first flagitious partition of Poland, in 1772, by Russia, Austria and Prussia, that unfortunate country was a scene of turbulence, anarchy, devastation, and bloodshed. Stanislaus Augustus, the reigning monarch had been raised to the throne, not by the free and unanimous choice of the nobles, but by a corrupt and degenerate faction, and by the intrigues and even the violence of Russia, whose troops, stationed at a small distance from the plain where the diet of election was held, had overawed his numerous opponents. Among these was Count Pulaski, a nobleman no less

distinguished by his talents and his courage, than by his birth and his rank. Firm, incorruptible, undaunted, he had uniformly resisted the insolent dictation of an ambitious and faithless neighbor, and in Stanislaus he saw a Russian viceroy, rather than the chief of an independent nation.

'In those confederacies, which were soon formed in various parts of the country, to defend and vindicate its insulted sovereignty, the ardent patriotism of the Count, his implacable hatred of foreign usurpation, his indefatigable zeal, his unshaken constancy, his heroic intrepidity—in short, his towering genius and his stoical and truly republican virtues, rendered him the scourge and terror of the Russians. "During eight succeeding years of a bloody war," says a writer who has eloquently described the situation of Poland in those calamitous times, "the operations of Pulaski were such as almost to challenge belief. Sometimes vanquished, much oftener victorious, equally great in the midst of a defeat as formidable after victory, and always superior to events, Pulaski attracted and fixed the attention of all Europe, and astonished her by his long and vigorous resistance. Obliged to abandon one province, he made incursions into another, and there performed new prodigies of valor. It was thus that, marching successively throughout all the palatinates, he signalised in each of them that eternal hatred, which he had sworn against the enemies of Poland." It was Pulaski who, in 1771, conceived and organised the bold design of forcibly carrying off Stanislaus from Warsaw, and bringing him to his camp; not, indeed, to assassinate him, as has been basely and falsely asserted by partisans of Russia, but with a view to make him a rallying point for the nobles, and all the patriots of Poland, and, by means of this union of the monarch with the nation, to crush, or, at least, to drive away from the territory of the republic the satellites of that unprincipled and perfidious power, by whose haughty mandates it had too long been governed. The enterprise, confided to forty brave patriots, succeeded only so far as to seize on the monarch, in the very bosom of his capital, and to convey him away to some distance from it, in spite of every obstacle and danger. The darkness of the night, and other unforeseen casualties, prevented the final execution of a plan, which might eventually have saved Poland from that political annihilation, which has since become her lot.

'When, from nearly the same motives as induce robbers to disguise or suspend, for a time, their jealousies and animosities, and to unite their efforts and their strength, the more easily to secure a common prey, Russia, Prussia and Austria jointly invaded Poland, in 1772, and at a "fell swoop" seized upon the fairest portion of her territory, which they divided among themselves by that right which only kings and freebooters dare to claim—the

right of superior physical force—the Polish confederates were compelled either to acquiesce in the degradation of their enslaved plundered, partitioned country, or to flee from the beloved and hallowed land which had given them birth—from the land which they had disputed, inch by inch, with the lawless potentates who have since entirely erased it from the map of independent nations. Very few submitted; many fell into the hands of the Russians or of their adherents, and died martyrs to that noble cause, which they had so strenuously supported; others escaped to foreign climes. Pulaski was the last to retire from the glorious contest. In a desperate and bloody engagement with the Russians, his army, vastly inferior in numbers, was routed, annihilated; but his courage still remained. To rush furiously on death would have been useless to his country; he chose to live, in the hope of again serving it, should heaven and time favor his wishes. Through countless fatigues, difficulties and perils, and after a variety of singular disguises, wonderful adventures, and hairbreadth escapes, he reached Turkey, whose hostilities against Russia accorded with his hatred of that power, and at the same time, flattered the patriotic schemes which his ardent spirit had not ceased to cherish. On that side, however, his hopes were frustrated by the peace concluded between Russia and the Porte, in 1774.'

Wraxall tells a long and tragical story about the attempt above mentioned to seize on the person of Stanislaus; he calls it an 'atrocious enterprise,' and says it was planned by Pulaski, whose design it was to take away the life of the king. It must be remembered, however, that Wraxall is very suspicious authority on this subject; that is, his information came from a quarter, in which it was hardly possible for him to arrive at an unprejudiced account of the affair. He was in Warsaw a short time after the events took place, but his connexion was entirely with the Russian party, and from this party, then under the high excitement of the times, he derived all he knew of the circumstances. That Pulaski formed the scheme of taking the king, and that he put it partially in execution, there can be no doubt, but that he ever had an intention of assassinating him, there is not a shadow of proof. The contrary, indeed, is abundantly manifest from the fact, that the persons to whom the enterprise was entrusted had Stanislaus several hours in their possession, and might have taken his life at any moment, had such been their purpose. This was not done, and he was suffered finally to escape. Pulaski's true motive was unquestionably

the one suggested by the author in the passage just quoted. President Adams, in his Defence of the Constitution and Government of the United States, was misled by the authority of Wraxall, and has seemed to countenance the suspicion thrown by him on the designs of Pulaski. As far as we can learn, the charge rests with Wraxall alone; we have seen it in no historian, except as repeated from him; and we believe it wholly unworthy of credit.

By the Russian faction in Poland, Count Pulaski's property had been confiscated; he was degraded from his rank, and declared to be an outlaw. Failing of success in attempting to engage Turkey in the cause of his country, he went to France. He remained there but a short time, when he resolved to hazard his fortunes with those of America, and, in the year 1777, we find him in Philadelphia, tendering his services to the American Congress.

'The inherent ardor of his warlike spirit, his habits of activity, and the desire of efficiently serving the cause, which he had so warmly embraced, did not permit him to wait for the decision of that body on his application,—but he immediately joined the army. He was at Brandywine, on the day of the battle, with the Marquis de Lafayette, and other distinguished foreign officers, in the suite of General Washington. At the time when our right wing was turned by the victorious enemy pressing upon us, and the rapid retreat of the right and centre of our army became the consequence, Count Pulaski proposed to General Washington to give him the command of his body guard, consisting of about thirty horsemen. This was readily granted, and Pulaski with his usual intrepidity and judgment, led them to the charge and succeeded in retarding the advance of the enemy—a delay which was of the highest importance to our retreating army. Moreover, the penetrating military *coup d'œil* of Pulaski soon perceived, that the enemy were manœuvring to take possession of the road leading to Chester, with the view of cutting off our retreat, or, at least, the column of our baggage. He hastened to General Washington, to communicate the information, and was immediately authorised by the commander in chief to collect as many of the scattered troops as he could find at hand, and make the best of them. This was most fortunately executed by Pulaski, who, by an oblique advance upon the enemy's front and right flank, defeated their object, and effectually protected our baggage, and the retreat of our army.

'This important service was justly appreciated by General Washington, who did not fail to recommend Pulaski to Congress;

and that body passed the following resolution, on the 15th of September, 1777.

'"Resolved, that a commander of the horse be appointed, with the rank of a Brigadier."

'"The ballots being taken, Count Pulaski was elected."

'On the next day after the battle of Brandywine, 12th of September, the army rested about Chester; on the 13th, it passed through Philadelphia, and proceeded as far as Germantown; on the next day, it recrossed the Schuylkill, and halted on the Lancaster road, about what was then called the Warren tavern. On the 16th, Pulaski's indefatigable activity preserved the army from a complete surprise. This is a most interesting fact, and one highly creditable to Pulaski. Of this fact, our biographer does not seem to have been apprised; nor, indeed, does he appear to have possessed any accurate knowledge of the occurrences of the day, as the annexed account, copied from his 1st vol. page 78, evidently shows.

'"Washington," says Judge Johnson, "prepared again to give his enemy battle. But, with an army inferior in numbers, deficient in cavalry and artillery, and dispirited with defeat, he could not venture on an engagement, except under advantages, which his prudent adversary was resolved not to afford him. On the 16th of September, in the neighborhood of Goshen, the two armies again approached each other, with an intention to risk another battle. A deluge of rain separated them, and so damaged the arms and ammunition of the Americans, that Washington was compelled, for the present, to decline fighting, and give up the hopes of defending Philadelphia."

'Far from Washington being "prepared to give his enemy battle," his army was then in a most deplorable condition; not only "dispirited with defeat," but, harassed with fatigue and hunger. The men were here served with rations, of which they had been for a long time deprived. They wanted rest. Pulaski, who could not for a moment remain inactive, went out with a reconnoitering party of cavalry, and did not proceed very far, before he discovered the whole British army in full march upon our camp; he retreated in full speed—went to head quarters—communicated the important intelligence to General Washington, who, as can well be imagined, received it with equal surprise and uneasiness—for, he had not the most distant idea of such a movement from the enemy. At his request, Pulaski expressed his opinion. It was, that a detachment of about three hundred infantry, with his cavalry, would be sufficient to retard the approach of the enemy, long enough to enable the commander in chief to make his dispositions to receive them. The command of that detachment was given to Brigadier General Scott,

of Virginia; and they were scarcely engaged, when a tremendous easterly storm came on, which brought upon us that deluge of rain mentioned by the Judge, and which continued the whole night without any interruption. The consequences were not exactly as he says, viz. "that the arms and ammunition of the Americans were so damaged, that Washington was compelled for the present to decline fighting." The arms and ammunition of the enemy were not in any degree better protected; the continual rain respected neither side; it fell tremendously upon both, and placed between them an insurmountable obstacle to fighting; and however great the sufferings of the Americans were that night, they were not the less fortunate, as probably this circumstance saved our army from total destruction.

'We will not follow Pulaski throughout that campaign, in his active services, at the head of his cavalry. On the day of the battle of Germantown, he was sorely disappointed and mortified. There were but four regiments of horse raised, and not one of them completed. Three of them only, such as they were, had joined General Washington's army, and on the day of the battle, guards were furnished out of those regiments, to attend on the commander in chief, and on other generals—or employed in other service, so that Pulaski was left with so few men, as not to have it in his power to undertake any thing of importance. This was to him a matter of deep regret and bitter chagrin

'When General Washington had taken his winter quarters at Valley Forge, the cavalry were sent over into New Jersey, on account of forage, and for other service, on that side of the Delaware. Pulaski made Trenton his head quarters. Thence he represented to Congress the situation in which he had been placed at the battle of Germantown, where he had, in reality, found himself a mere nominal commander. He therefore proposed that Congress, to enable him to be more useful, should give him the command of an Independent Legion, to act with it as a partisan. On the 28th of March, 1778, Congress, after reading his letter, and taking into consideration a report of the 19th of that month, from the Board of War, passed the following resolution; "Resolved, that Count Pulaski retain his rank of Brigadier in the army of the United States, and that he raise and have the command of an independent corps of horse and foot; the horse to be armed with lances, and the foot equipped in the manner of light infantry; the corps to be raised in such way, and composed of such men, as General Washington shall think expedient and proper; and that it will not be injurious to the service, that he have liberty to dispense, in this particular instance, with the resolve of Congress against enlisting deserters." ' pp. 23—27.

As the writer was at the battle of Brandywine, and was one of Pulaski's reconnoitering party in the affair of the 15th of September, on the Lancaster road, this narrative is to be received as resting on the authority of an eyewitness.

Pulaski's legion was recruited in Pennsylvania and Maryland, and was organised and disciplined in Baltimore, the place of rendezvous. The enlistment was much more successful than had been anticipated; the ranks were soon filled, and the legion speedily marched to the theatre of the war in New Jersey. Here it was soon engaged in active service, in the course of which it met with a severe loss in the death of the lieutenant colonel, Baron de Botzen. On the 5th of October, 1778, the legion was ordered to Little Egg Harbour, with a body of Jersey and Pennsylvania militia, and a field piece from colonel Proctor's regiment of artillery, the whole under the command of Pulaski, for the defence of the place against an attack, which was expected from the enemy then on that coast. It was here, that colonel Botzen was surprised by the treachery of a Hessian deserter, and killed. This Hessian, who had been injudiciously countenanced by the board of war, and suffered to enter the American army in the capacity of an officer, was attached to Pulaski's legion as a second lieutenant, and put under the immediate command of colonel Botzen, a distinguished German officer of tried courage, and a high sense of honor. Whether from contempt for the character of a deserter, or from any particular cause, it is not known, but he was observed to treat the Hessian with marked severity. This treatment was fatally resented. Botzen's division was stationed at a distance from the other part of the legion, and the Hessian found means, by stratagem, to communicate with the enemy, and land a party of men near the place. A sudden and unexpected attack was made, and a short contest ensued, in which Botzen was pierced several times through with bayonets, and died with both his pistols discharged in his hands.

After the active operations of this campaign, the legion went into winter quarters at Minisink, on the Delaware. But a new scene for its exertions soon opened.

'On the 2d of February, Congress passed the following resolution. "Resolved, that Count Pulaski be ordered to march with his legion to South Carolina, and put himself under the command

of Gen. Lincoln, or the commanding officer of the southern department."

'In obedience to the foregoing resolution, the legion departed for that long march, as soon as every necessary preparation could be made, and reached Charleston at the very time when the British general Prevost, having suddenly and rapidly advanced from Savannah, appeared before that city, on the 11th of May, 1779, in the confident expectation that it would surrender to him, on the first summons. The unlooked for arrival of Pulaski baffled all his hopes. Already, had the governor and council agreed on terms of capitulation, not the most honorable, when Gen. Pulaski, accompanied by the brave Col. Laurens, repaired to the council chamber to protest against that precipitate measure—declaring that, as a continental officer, he would defend the city for the United States. Prevost was immediately informed of that determination. Pulaski saw the necessity of reviving the drooping spirits of the inhabitants; accordingly, he sallied out with the legion, which had just arrived. In that sortie, the Colonel of the legion was killed, but Prevost abandoned his enterprise, and retreated over to the islands.' pp. 27, 28.

Pulaski rendered very essential services at Charleston. The following account is from Gordon. 'Nine hundred of the British army, their main body and baggage being left on the south side of Ashley river, crossed the ferry, and soon appeared before the town. The same day Count Pulaski's legionary corps of infantry crossed Cooper river, to Charleston. They had scarcely arrived two hours, when he led eighty of them out of the lines, and stationed them in a valley behind a small breastwork, with the view of drawing the British into an ambuscade. He advanced a mile beyond the infantry, and joined a party of regular horse, and mounted militia volunteers, and with that force engaged the British cavalry for a while, and then retreated to his infantry; who, from an eagerness to engage, had quitted their breastwork, and so rendered abortive the advantage of the intended ambuscade, and were, by superior numbers, compelled to retreat. Pulaski, however, by discovering the greatest intrepidity, and by successful personal rencontres with individuals of the British cavalry, had a considerable influence in dispelling the general panic, and in introducing military sentiments into the minds of the inhabitants.' In this engagement before Charleston, was killed the colonel commandant of the legion, Michael de Kowalz. He was advanced in age, having passed

his sixtieth year, a soldier of long experience, and covered with scars; a Hungarian by birth, who had been a colonel of hussars in the service of the great Frederick of Prussia, and decorated with the cross of merit. After the death of lieutenant colonel Botzen, no one had been appointed to fill up the vacancy, and on this emergency at Charleston, Pulaski put the infantry of the legion under the command of the old Hungarian colonel. He engaged the enemy with great eagerness, and advanced so far in front of the breastwork, that he came in contact with the British dragoons, by whom he was sabred to death while fighting with the greatest courage and firmness.

After the retreat of the enemy from Charleston, the aid of Pulaski was no longer necessary, and he marched immediately to Georgia. Count D'Estaing arrived on the coast, September 1, 1779, with an intention to cooperate with the American forces, and make an attack on Savannah. Pulaski's legion crossed the Savannah river for the purpose of scouring the country, and while employed in that service, an express was fortunately intercepted with two letters from Count D'Estaing, one for General Lincoln, and the other for Pulaski himself. This latter was extremely complimentary, and the French commander said in it, that knowing Count Pulaski was there, he was very sure he would not be the last to join him. On the 16th of September, Pulaski met D'Estaing at his landing place, and the two officers greeted each other in the most cordial manner. The plan of an attack on Savannah, then occupied by the British, was immediately concerted between them. Without waiting for General Lincoln, they arrived before the town, and D'Estaing sent in a summons demanding its surrender to the arms of France. The British commander, Prevost, asked a suspension of hostilities for twentyfour hours, till he could prepare his terms of capitulation. This was inconsiderately granted, and, in the meantime, Lieutenant Colonel Maitland, after encountering many obstacles, succeeded in entering the town with the troops under his command. Thus strengthened and encouraged, the garrison determined on resistance. General Lincoln with his forces formed a junction the next evening, and it was finally concluded to act against the town by a regular siege. From that time till the 8th of October,

whilst preparations for an assault were going on, Pulaski's legion, with the volunteers attached to it, was kept in constant motion, and had frequent skirmishes with the British piquets and small parties. At length the fatal 9th of October arrived.

'After the necessary preparations, a heavy cannonade was opened upon the enemy's works, and briskly kept up for several days, but without the desired effect. D'Estaing's marine officers remonstrated against his continuing to expose so valuable a fleet to the fury of the elements, at this tempestuous season, or to the possible arrival of a superior British naval force, and loudly urged his departure. An assault was, consequently, resolved upon. This assault was to be made on the right of the British lines. Two columns, one French, and the other American, were to attack, at the same time, each a particular redoubt. In the rear of the columns, the whole cavalry, American and French, was to be stationed, under the command of Count Pulaski. Should, as was confidently expected, the redoubts be carried, and the way opened, that entrepid leader was, with these united troops of horse, to enter the place, sword in hand, and to carry confusion and dismay among the garrison. D'Estaing led in person the French corps of attack. Wishing to avoid a circuitous advance round a swamp, and supposing the ground at the bottom to be sufficiently firm, he marched directly through it. The enemy had been informed of his plan by spies. They knew the intended point of attack, and the direction in which the approach of the assailants was to be made. Accordingly, they collected all their force where it would be required, and, at the first alarm, opened a tremendous and deadly fire. Pulaski, impatient to know when he was to act, determined, after securing his cavalry under cover, as well as the ground would admit, to go forward himself, and called to accompany him one of the captains of his legion, who is yet living, but far advanced in years. They had proceeded only to a small distance, when they heard of the havoc produced in the swamp by the hostile batteries. D'Estaing himself was grievously wounded. Aware of the fatal effects, which such a disaster was likely to produce on the spirits of French soldiers—and hoping that his presence would reanimate them, Pulaski rushed on to the scene of disorder and bloodshed. In his attempt to penetrate to the murderous spot, he received a swivel shot in the upper part of his right thigh; and the officer who had accompanied him, was, while on his way back, wounded by a musket ball.' pp. 28, 29.

This officer, we are led to understand, was the author of the pamphlet from which the above extracts are made. Be-

fore the day of battle, he had been twice wounded in the neighborhood of Savannah, and had two horses shot under him. This assault on the town proving unsuccessful, the enterprise was abandoned, and the allied armies separated in mutual harmony. The French troops and artillery were reembarked, and Pulaski, and the wounded officer mentioned above, were conveyed on board the United States brig Wasp, to be taken round to Charleston. Pulaski had every attention, which could be rendered him by the most skilful of the French surgeons, but the wound proved mortal, and he died just as the brig was leaving the Savannah river on her way to Charleston. His remains were committed to a watery grave, and when the vessel arrived in Charleston with the news of his death, a sentiment of universal sorrow pervaded the town. Joint resolutions were passed, by the governor and council of South Carolina, and the municipal authorities of the city, to pay a marked tribute of gratitude and respect to the memory of Pulaski. A day was appointed for the solemnity, a magnificent funeral procession was formed, the pall was borne by three American and three French officers, and a discourse suited to the occasion was delivered by the chaplain of the army. The whole scene was in a high degree impressive and solemn, and gave strong indications of the sympathy, which the people felt in the untimely fate of one, whose life had been a series of struggles in favor of the just rights of his fellowmen, and who, but one short month before, had contributed, by his wisdom and his bravery, to save the city from the conquest and pillage of an invading enemy. These expressions of feeling were honorable to the citizens of Charleston. Their own historian, Ramsay, has done injustice equally to them, and to the fair fame of Pulaski, by neglecting to describe these events, and the previous defence of the city by the Polish general, in the manner they deserve.

Congress was not unmindful of the duty they owed to the man, who had so ardently espoused the cause, which the whole nation was then in arms to support, and when a letter from General Lincoln was read, giving official notice of the death of Pulaski, it was immediately resolved, ‘ That a monument be erected to the memory of Brigadier Count Pulaski, and that a committee of three be appointed to bring in a re-

solution for that purpose.' A committee was accordingly appointed, but as American citizens we are mortified to acknowledge, that a resolution, frought with so much justice and generosity, and pledging in terms so positive the good faith of Congress, has never been carried into effect. The same unmerited and culpable neglect has awaited a similar resolution of the same body, by which it was ordered, that a monument should be erected to the memory of the brave Baron de Kalb, who fell, pierced with eleven wounds, in one of the hottest engagements, which occurred during the American revolution. Let the time soon come, when a sense of justice, if not of gratitude, shall awaken the thoughts of our national legislature to a proper estimate of a duty so long neglected.

From the account here given of the assault on Savannah, which, as coming from an eyewitness, merits implicit confidence, an error may be corrected, that has been transferred from Gordon into all the other histories of the American revolution, respecting the manner in which Pulaski received the wound that caused his death. Gordon says, that 'Count Pulaski, at the head of two hundred horsemen, was in full gallop, riding into town between the redoubts, with an intention of charging in the rear, when he received a mortal wound.' All this is essentially incorrect. Pulaski was not at the head of his troops, nor was he riding into the town; on the contrary, his cavalry was stationary and properly posted, and himself, at the time he received his wound, proceeding to reanimate the French soldiery, when it was known that D'Estaing was wounded.

The further history of Pulaski's legion may be learned from the following sketch, which we take from Niles's Register for October 16, 1824. It is contained in an article describing the entrance of General Lafayette into Baltimore.

'As the general passed down the line, a sacred and interesting relic of the revolution was presented to his notice. It was the original standard of the brave and generous General Count Pulaski, whose heroism and devotion to the cause of liberty are conspicuous in the records of the war of independence. The corps of Forsyth's riflemen had solicited and obtained from its possessor, the worthy Colonel Bentalou, the honour of carrying this standard upon the day of the General's arrival in the city; and it was on

this occasion displayed upon one of the spears used by the lancers of the legion, entwined with Pulaski's sword belt. It was when this gallant officer received his mortal wound in the attack upon Savannah, on the 9th of October, 1779, and his noble soul was about leaving its earthly tenement, that he bequeathed this belt to his loved and equally brave companion in arms, Colonel, (then captain,) Bentalou. The legion of Pulaski was raised, organised, and disciplined in Baltimore in the spring of 1778. At that period the country generally was destitute, none of the fine or useful arts were cultivated—the whole energies of the country being bent on war. The army was poorly clothed and badly fed—and, in the absence of more elegant materials or accomplished artists, the standard of the legion was formed of a piece of crimson silk, and embroidered by the Moravian nuns of Bethlehem, in Pennsylvania. On one side are the initials, U. S. with this motto—*unita virtus fortior*—on the reverse, the all-seeing eye, surrounded with thirteen stars, and the motto, *non alius regit.* It may appear, as it certainly is, a singular circumstance that the standard, (first consecrated at Baltimore when a small village,) after having waved over the greater part of the old thirteen states, should be returned to the same place, now a large and important city, and there be permanently enshrined. The history of the " times which tried men's souls," while it shows the unsurpassed bravery, and great services of the legion, furnishes also an explanation of this circumstance. We find that in the summer of 1778, the lieutenant-colonel of the legion was killed at Egg Harbour, in New-Jersey, by British bayonets. In 1779, the colonel, at the advanced age of nearly seventy, (and who had been a colonel of hussars in the armies of Frederick the Great of Prussia,) fell under the cuts of sabres before Charleston, South Carolina. On the 9th of October, of the same year, the General Count Pulaski was mortally wounded by a swivel shot, at the attack on Savannah, in Georgia. In 1780, we find that the major was sabred at Monk's corner, in South Carolina, and the command then devolved upon Captain Bentalou, of the first troop of light dragoons of the legion, and senior surviving officer. When the legion was disbanded at the close of the war, the standard was retained in the possession of Colonel Bentalou, by whom it had been carefully preserved.'

As a military man of science, knowledge, and experience, as a soldier in the highest sense of the word, quick to perceive and decide, prompt to act, unwearied in perseverance, collected in the midst of danger, brave without rashness, and discreet in his designs, Pulaski has few rivals in the lists of eminent warriors. His fame spread over Europe during the

short space in which he maintained the unequal contest in Poland, and even Wraxall says of him, that he was acknowledged by 'the Russians, his enemies, to possess military talents of a very superior nature; nor were they ever able to take him prisoner during the civil war.' Dr Franklin says in a letter to General Washington, dated Paris, June 13, 1777, 'Count Pulaski, who was a general of the confederates in Poland, and who is gone to join you, is esteemed one of the greatest officers in Europe.' These testimonies to his military character were fully borne out by his conduct in this country. Wherever he appeared, he showed himself a brave and skilful soldier, inspiring his officers and men with a warm attachment to himself, and confidence in his talents.

In respect to the charge of Judge Johnson, above alluded to, very little needs be added. It is presumed that no one, who takes pains to become acquainted with Pulaski's history, will entertain the impression on the subject, which seems to have existed in the mind of the biographer of General Greene. Speaking of the unfortunate result of the battle at Germantown, he uses the following words. 'It is a melancholy fact, of which few were informed, that the celebrated Pulaski, who commanded the patrol, was found by General Washington himself, asleep in a farm house. Policy only, and a regard to the rank and misfortunes of the offender, could have induced the general to suppress the fact. Yet, to this circumstance, most probably, we are to attribute the success of the enemy's patrol, in approaching near enough to discover the advance of the American column.' Now, admitting this to be true, it is a most extraordinary thing, that it should have been kept secret so long, especially as all the circumstances of that engagement were of a nature to call forth the severest public scrutiny into every transaction, to which the failure could possibly be ascribed. Whatever may have been the indulgence of Washington, it is not credible, that the 'few who were informed,' and who cannot be supposed to have had any such motives of delicacy, should not reveal a fact, so well calculated to screen the American officers from the disgrace of a defeat, by throwing the burden on the shoulders of a foreigner just then arrived in the country.

Nor is the imputation, which this charge casts on Washington himself, such as we should be willing to admit. The

kind of 'policy,' to which Washington's silence is here ascribed, was not that which became the commander in chief of a nation's forces, nor was it that which Washington was known in any other case to exercise. Such a policy, indeed, would have been little else, than betraying the high trust confided to him, and a most unjustifiable breach of right conduct, in suffering the odious consequences of the neglect of one officer to be borne by those, who had faithfully done their duty. Moreover, Washington afterwards recommended Pulaski to Congress, was instrumental in procuring him a very high and responsible appointment in the service, and always treated him as an officer, whom he respected, and in whom he had the fullest confidence.

These considerations alone are enough to destroy the force of the charge. It needs not be inquired whether Pulaski was found in a farm house, or what he did, or whether he did anything, at the battle of Germantown; it is enough to know, that Washington was acquainted with all his conduct there much better than any other person, and that he never lisped a whisper of censure for neglect of duty, but on the contrary aided his future promotion. In short, we doubt not, that Judge Johnson has been deceived, and that the authority on which he relied, from whatever source it came, is not entitled to credit; and every generous minded citizen of the United States must lament, that he should have sanctioned by his name a charge, calculated to reflect no honor on the character of Washington, and to cast reproach on the memory of a brave man, whose fame was so well earned, who devoted his best days to a defence of the rights of outraged humanity in his native land, and, when exiled by the usurpers whom he could not conquer, gave the last years of his life, and the last drop of his blood, to the struggle for the liberties of America.

Art. VII.—1. *Code Civil, suivi de l'Exposé des Motifs sur Chaque Loi présenté par les Orateurs du Gouvernement, &c.* 11 Tomes, 12mo. à Paris. 1809.

2. *Conference du Code Civil avec la Discussion particuliere du Conseil d'Etat et du Tribunat, &c.* 8 Tomes, 12mo. à Paris. 1805.

3. *Code de Procedure Civile.* 2 Tomes, 12mo. à Paris. 1808.

4. *Code Pénal, suivi des Motifs présentés par les Orateurs du Gouvernement, &c.* 2 Tomes, 12mo. à Paris. 1812.

5. *Code d' Instruction Criminelle, suivi des Motifs, &c.* 12mo. 1809.

6. *Code de Commerce.* 2 Tomes, 12mo. 1812.

7. *Les cinq Codes avec Notes et Traités pour servir à un Cours complet de Droit Français ; à l'Usage des Etudians en Droit, et de toutes les Classes de Citoyens cultivés.* Par J. B. Sirey. Avocat aux Conseils du Roi, et à la Cour de Cassation. 8vo. Paris. 1819.

We know not the individual to whose character justice is so little likely to be done, as Napoleon Bonaparte. The child of the French Revolution, he is, by most persons, confounded with its active leaders. The criminality of its horrid excesses fixes on him, as on the most prominent individual, that owed his advancement to that Revolution. It is difficult to induce men to reflect, that the most revolting of these excesses were perpetrated while Bonaparte was at school ; and that though he did not bring the Revolution to a close, by restoring the Bourbons, he brought it still more effectually to a close, by crushing its parties, reviving many useful institutions, which it had destroyed, and reorganising the government of the country. It is very easy to charge him with being a tyrant and an oppressor ; the changes are easily rung upon his ambition, conquest and devastation of foreign states, the conscription, and the murder of the Duke d' Enghien. It is in no degree our design to defend him from the real or imaginary guilt, imputed in these or any similar charges. We are even free to confess, that we do not think Napoleon possessed the true sentiment of greatness.

He was not a Washington. But he was an Alexander, a Cæsar, a Frederick the Great; as brave as the bravest, and as good as the best of them. He governed by no very good title; but it was a better one, than that, by which any prince in Europe sits on his throne. We presume the most enthusiastic friend of legitimate monarchy does not believe, that if the right to reign of Charles Tenth, George Fourth, or Alexander, were put to the vote of the male population of their several states, of the age of twentyone years and upwards, either of these sovereigns would unite as many unbribed suffrages, as those which proclaimed Bonaparte Emperor. He ruled, and they rule, by the right of the strongest and that alone.

But it is too prevalent an impression, that Napoleon owed his advancement, and his continuance in power, solely to his talent as a *military* chief; that it was merely a military despotism, in which he held France and the continent of Europe enslaved. Fairly analysed and explained, indeed, this impression is just enough. No one can suppose that, but for his military talents and success, he could either have reached or maintained his throne. In a form a little modified, the condition of every prince in Europe is the same. There is not one of the leading sovereigns, who could reign a day, without his standing army. Without the horse guards, London itself would not be habitable. Nor does it seem to us, in point of principle, to matter much, whether the Head of the government be maintained in his power, by an army, fascinated with the splendor of his military qualities—if you please, by the glory and plunder, which that army has acquired under his command; or by a standing army in the *legitimate* sense of the word, a redcoated rabble, hired out of the jails and the brothels. To an American citizen the difference is not worth a straw.

Nevertheless it is true, that Napoleon Bonaparte rose to his greatness by many qualities, besides and above those of the military chieftain; and which, had his fame in war been less, would unquestionably have given him a great name as an administrator, a financier, and a statesman. We presume there is nothing paradoxical in this remark; nothing violently absurd in the intimation, that, because he did not emanate from the Faubourg St Germain, he was therefore as stupid and senseless as the handle of his own sword. We are

willing to grant, that the nature of the part, which he was called to play, led to a far more imposing development of his military, than of his political talents. Much still and secluded meditation is necessary for the formation of a sound politician. This advantage Napoleon did not enjoy; but here again we doubt, whether the noble stir of camps and battles be more unfriendly to true philosophical meditation on politics or on anything else, than the importunate gossipings and small intrigue, that eat up the life of a cabinet politician. The Duke of Marlborough was a truly great man. One sordid vice only weighed down his soul to the dust; and makes it impossible to love, admire, or praise him, without a woful parenthesis. But he was a great man, and more like Napoleon Bonaparte, in the versatility of his greatness, than any other person of the last century or of this. The reader of his life may judge what part of his career was best adapted to form and mature the statesman; the contemptible intrigues in the cabinet of St James, or the wars in Germany and Flanders. The truth seems to be that action,—the responsible control and management of great interests,—is the school of great minds. Small caballing, even in the offices of a department, does not form a good discipline for anything, not even for the business of the department itself.

It is well known to those, who have read any of the late memoirs and journals of Napoleon, that he prided himself on nothing more, than his Code of Law. Mr Butler, in his Reminiscences, observes, that a friend of his had heard Napoleon say, that he could wish to be buried with his Code in his hands. Various anecdotes in the books of O'Meara and Las Cases will readily occur to the memory of our readers, illustrative of the same complacency. Yet we imagine, that it is not every one, who is aware of all the right of Bonaparte to pride himself upon the Code, which bore his name. We suppose, that the prevalent opinion may be, that he at best ordered it to be drawn up, commissioned the lawyers, whom his minister may have designated for the purpose, and finally perhaps honored the manuscript copy with his imperial signature. In short, that in claiming to be another Justinian, he contented himself with doing what Justinian did, and that was nothing.

This, however, is an impression wholly false. The agency of Bonaparte, in the formation of the Code, was of the most efficient kind. Its provisions were discussed in his presence; these discussions were presided over and shared by himself; and the Reports, which were made of them, and which are now before the public, furnish the most satisfactory proof of his real and energetic participation, in the drafting of the Code; and justify the pride, which he took in it, as a monument to his memory. As his character and talents are here presented in a point of view, which to many of our readers may be novel, and to none we trust uninteresting, we propose to devote an article to the subject. We must go back pretty far, for our point of departure, but this we shall despatch in a very few words.

At the earliest periods of our acquaintance with France, we find the country inhabited for the most part by the *Gauls*, a barbarous people, differing altogether, in national stock, from their neighbors beyond the Rhine, the Germans. We know little of the Gauls in France before they were invaded and subdued, and their country made a province, by the Romans. The southern part of Gaul was earliest conquered and reduced to the provincial form; but before the birth of our Savior, the whole country was made to submit to the Roman yoke. It remained in this subjection between four and five centuries, gradually introducing and adopting the language, the manners, the religion, and the jurisprudence of Rome. This was the original introduction of the Roman law into the country.

Gaul was successively and partially invaded and wrested from the Romans by the Visigoths, the Burgundians, and finally and most effectually by the Franks. These barbarous nations found the Gauls in a state of comparative civilisation, as Roman subjects, speaking the Latin language and governed by the Roman law. This was more extensively the case in the southern, than in the northern provinces, in respect to the predominance of the Roman law. So considerable was the difference in reference to this point that, as far back as the history of French jurisprudence goes, the southern provinces were recognised as the *Pays du Droit Ecrit;* and the northern the *Pays du Droit Contumier.* The causes of this marked difference are but imperfectly known, in the remoteness of

antiquity, and the paucity of historical data. It may have been the consequence of the earlier colonisation of the southern provinces, by the Romans; though that event took place, when the Roman jurisprudence was too much in its infancy at home, to be propagated, as a permanent system, into remote colonies.

The *written law* of the southern provinces, and the *Coutumes* of the northern, were the the basis of the French jurisprudence in the middle ages. On the revival of the study of the Roman law in modern Europe, France was one of the first countries, which cultivated that study, without distinction of the countries of the written and customary law. Alciati was the first distinguished jurist of the new race; and under Cujas in the sixteenth century, the law schools of France became the most renowned in Europe. These two celebrated lawyers,* of whom the first was not a native of France, principally wrote on the Roman law. With equal diligence, if with less renown, Du Moulin, also in the sixteenth century, devoted himself to the *Droit Coutumier*, and among the most famous of his works is his commentary on the *Coutume de Paris*. This work is not without its interest to the well instructed American jurist, inasmuch, to borrow the words of a contributor to our journal for July, 1821, as the *Coutume de Paris* 'formed a sort of supplement to the rest, was applied to all the French colonies, and in that way has become interwoven into the laws of one of the states of this Union.'†

With the expansion and growth of France, at a period somewhat later, a new species of law, under the name of *etablissements*, *édits*, and *ordonnances* grew up. Some of these were the productions of l'Hopital and d'Aguesseau, and to some of them Louis Fourteenth himself is supposed to have been an efficient contributor. Several of these *ordonnances*, being of a considerable length, and of the nature of a compilation of the whole existing law on important points, received in common parlance the name of *Codes*. Such were the *Code Marchand*, the *Code Civile* and the *Code Noir*.

* Alciati was a Milanese, but taught at Avignon and elsewhere in France. An interesting life of Cujas may be found in Hugo's *Civilistisches Magazin* B. iii. s. 190.

† North American Review, vol. xiii. p. 6.

Some of these ordonnances are well known, and in great esteem with the jurists of all Europe and America. The marine *ordonnance* of 1681, rendered classical by the commentary of Valin, is quoted in all our admiralty courts. The *discussions* of the various bodies, by whom these *ordonnances* were compiled, were occasionally published, under the name of *Conferences*, and set the example of the important work, under the same denomination, of which we shall presently give an account. In addition to these sources of the French law, there was a very extensive common law, which rested on the decisions of the courts. No attempt, however, was made at *codification*, on the part of the government; and the important works of Domat and Pothier are either to be considered as new editions of the Pandects, or as elementary treatises of private jurists.

A good deal of the odium against existing institutions in an old and degenerate country, like France before the revolution, naturally falls on the persons connected with the administration of the law, although the law, as a system, may not be remarkably defective. Private justice is said to have been tolerably well administered in France before the revolution. But the venality which existed with regard to all the places of high trust and profit in the administration of justice, and the connexion of the law, with all the oppressive institutions of the state,—the privileges of the nobles, and of the church, and the vicious financial system,—(it being by the arm of the law that these institutions were sustained,) naturally turned a full portion of the popular fury against the legal institutions of the monarchy, at the period of the revolution. Much was necessarily rendered obsolete, by the change in the organisation of the government, and much by the suppression of the nobility and the clergy. Much more also was swept away, in consequence of the new principles, that prevailed on all subjects.

These changes were of course, in the first instance, brought about by separate laws or acts of the various assemblies, which under different names successively exercised the legislative, or rather despotic and dictatorial power in France. It was not long, however, before the notion of a uniform *code of law* suggested itself, not only as necessary, in order to ascertain what, after such an overthrow of former legal institutions

and principles, was the law of the French nation; but also as a work, altogether in the spirit of an age and of a crisis, when men had risen up, after eighteen centuries of discretionary and arbitrary administration, to cut their way with the dagger and the sword to first and simpler principles.

The first laborer in this field was the celebrated Cambacérès. He was a lawyer by profession; as a native of Montpelier, he was a child of the *pays du droit écrit;* and early rose to eminence in the practice of his profession in his native city. In the months of August and October 1793, he presented to the Convention his first draft of a code of law, *projet de code civile;* to which he proposed some modifications in December of the same year. The work was too great for a moment so stormy, and the minds of men were too unsettled for an undertaking, like the establishment of a legal system. Two years after, as a member of the Council of Five Hundred, Cambacérès presented to this body a new project of a code, which was ordered to be printed. This document was compiled from all the acts of revolutionary legislation, from 1789 to 1795. Nothing decisive, however, was done at this time toward the achievement of this great work.

On the overthrow of the Directory by the revolution of the 18th of Brumaire, of the year VIII, (November the 9th, 1799,) the attention of the new consular government was immediately turned to the subject of a code. Bonaparte made it one matter of charge against the Directory, that they had not achieved a work so loudly called for, by the spirit of the age, and the unsettled state of the jurisprudence of the country; and the great interest, which the second consul Cambacérès had taken in the former efforts toward this end, naturally engaged him to pursue the same design. Accordingly, in the course of the first year of the consulate, a third *projet* of a code, containing the ten principal titles, was drawn up, and presented to the government, by a commission of the Council of Five Hundred, at the head of which was Jacqueminot, afterwards a member of the senate under Napoleon.

Such was the state of preparation when, by a consular decree, dated 24th of Thermidor, year VIII, (August 12th, 1800,) a commission was instituted 'to compare the order, which had been followed in the preparation of the *projets* for a civil code, hitherto published, to determine the plan, which

the commission shall think best to adopt, and to discuss the chief principles of civil legislation.' This commission consisted of Messrs Portalis, Tronchet, Bigot-Preameneu, and Maleville; and the minister of justice was joined to their number. The first and the last of the four named were of the *Pays du droit ecrit.*

In the following year, 1801, these commissioners reported a draft of a Civil Code, formed on the materials enumerated, and accompanied with a preliminary discourse, on the principles by which they had been guided. Their draft was in the first instance submitted to the Court of Cassation, (of errors,) and the various courts of appeal; and the reports of the judges of these courts furnished the matter of some improvements in the draft, as it was next submitted to the council of state. In this body, over which the first Consul, Bonaparte, presided, every part of the proposed code was thoroughly discussed; and in one of the works, of which the titles are placed at the head of this article, the *Conference du Code Civil*, is contained a detailed and very carefully prepared report of these discussions. After the article had been discussed in this manner, it was presented to the Tribunate, where it underwent another discussion, and was returned to the Council of State, as adopted, rejected, or amended. In this way five codes of law were successively matured and produced; viz. the *Code Civile*, which was that called by eminence the Code Napoleon; 2. The *Code de Procedure Civile* by which the forms of actions and modes of proceeding, from the tribunal of a justice of peace up to the highest courts, in civil cases, were enacted; 3. The *Code Penal* or Criminal Code; 4. The *Code d'Instruction Criminelle*, or mode of proceeding in criminal actions; and 5. The *Code de Commerce*, or code of law merchant. This whole body of law is often seen printed in one duodecimo volume.

The system thus enacted became the law of France, and of the countries dependent on French power. It was introduced in Holland, in the Confederation of the Rhine, in the kingdom of Westphalia, in Bavaria, in the kingdom of Italy, in Naples, in Spain, and in the various smaller states, that were under the influence of the French. Substantially founded on the principles of the civil law, the common basis of continental

jurisprudence, it was introduced into these various countries, without violently shocking the prejudices and habits of their inhabitants.

That part of the French system, which was most obnoxious to the charge of novelty, and which met with the greatest resistance from public sentiment, in the dependent countries, was the trial by jury. Accustomed, as we are, to the declamation on the oppressive policy of France toward the neighboring states, we are a little startled to find that one of the first *abuses*, which the returning legitimates hastened to do away, was that institution, which we regard as the great safeguard of our liberties. To be candid, however, it may be doubted whether the institution of the jury, as it exists in England and America, could be transplanted into any country of continental Europe; or if it were in form, whether it could exist in its spirit and power, as with us. It is pretty generally conceded, that even in England and America, it is only as a defence against the oppression of the government, that the trial by jury is of any real value. In common matters of civil and criminal law, little probably is gained to the cause of justice, by a jury trial. A good court would be a safer and a wiser resort. But it is better a thousand fold to encounter, in their most aggravated form, the ignorance, the obstinacy, the caprice of juries on common questions of law, than to have the lives and properties of the citizens, in times of political excitement, in the hands of the government. Now there is not a government on the continent of Europe, where this bulwark of the jury would be allowed to operate, as it does in England and America. The manner, in which the crown lawyers are so constantly baffled in England, in their attempts to procure conviction in cases of libel, blasphemy, &c. are the standing astonishment and wonder of continental governments; a mystery rather than a stumbling block; a thing, which so far from imitating, they do not understand. We have seen a German judge puzzle himself as much, upon the little point of law, which requires the reading of the riot act, as a Chinese does, at being obliged to eat with a knife and fork. Accustomed as the continental jurists are to the pure Latin, in which their own codes are preserved, the very terms of a *habeas corpus* strike them with scarcely less disgust, than they did the Persian ambassador in London,

when told, that a supposed reluctant inmate of his *harem* was to be emancipated by that ill named writ.

But to return to the Code Napoleon, the downfal of the emperor was the signal for its disuse in the foreign dependencies of France; but in that country itself it was so strongly rooted, as to sustain itself. By a royal ordonnance, of July 17th, 1816, it is declared,

'We are too well convinced of the evils of a fluctuating legislation in a state, to think of a general revision of the five codes, which were in vigor in our kingdom, at the time that our constitutional charter was granted. We reserve to ourselves only to propose particular laws, in order to reform such things as admit improvement; or in which time and experience shall have discovered imperfections. But although reforms of this kind can be the work only of time, and the fruit of long meditations, it is indispensable to suppress, from the present moment, those denominations, expressions, and formulas in the different codes, which are not in harmony with the principles of our government, and which recall the recollection of times and circumstances, of which we would efface even the recollection.'

In consequence of this decree, the various names and titles belonging to the imperial government, were erased, and the appropriate ones of the royal government, introduced in their stead. At various subsequent periods, laws have been enacted, considerably modifying, or wholly changing, several important provisions of the Code Napoleon. One of the most important provisions of that Code, which has been repealed, is that by which divorce was admitted. Serious modifications in the law of succession, are at the present time under consideration.

It is next in order, to give some account of the works mentioned at the head of our article. The first is called the *Code Civile*, and is in ten volumes duodecimo, with an eleventh of supplement. We cannot better convey an idea of the contents of this work, than by quoting the title entire;

'*Code Civile*, followed by an exposition, on the part of the Government speakers, of the grounds of each law; by reports made to the tribunate, in the name of the committee of legislation; by the opinions expressed in the course of the discussion; by the discourses pronounced before the legislative body by the speakers of the tribunate; and by an

analytical table and index of the contents, both of the Code and the discourses.'

By far the greater part of the volumes is filled with this subsidiary, explanatory, and, we ought to add, highly instructive matter. We know not in what quarter, more can be learned of continental and general law; where a more ample collection of important facts, sound reasonings, ingenious views, and powerful illustrations are to be found, than in the nine last volumes of the ten, of which this work is composed. The Code itself, the legal system of the great French Empire, compiled out of the 'cartloads' of their ancient jurisprudence; and found, by a twenty years' experience, adequate to the purposes of the courts, in the populous kingdom where it is administered, is but one duodecimo volume. As this is undoubtedly the most important work of the kind, since the Institutes of Justinian, and is probably not much known in this country; we shall enter into a brief analysis of it.

The whole Code is comprised in 2281 paragraphs, which are numbered, for the greater facility of reference, and which, to use a familiar but satisfactory comparison, are, upon an average, about as long as the verses of the bible. The work is divided into three books; each book into a certain number of titles; and each title is comprised in one or more chapters. A preliminary title, 'on the publication, effects, and application of the law in general,' precedes the whole.

The First Book is entitled 'of Persons;' and, in *eleven* titles, treats, 1, of the enjoyment and privation of civil rights; 2, of civil acts, such as the registry of births, marriages, and deaths; 3, of domicil; 4, of absentees; 5, of marriages; 6, of divorce; 7, of the relations of father and son; 8, of adoption and officious guardianship; 9, of the paternal power; 10, of minority, guardianship, and emancipation; 11, of majority, of guardianship of persons of age, (interdiction,) and judicial counsel.

The Second Book is entitled 'of property and the different modifications of ownership;' and, in *four* titles, treats, 1, of the distinction of property into real and personal (immeubles et meubles;) 2, of ownership; 3, of usufruct, of use and habitation; 4, of servitudes (easements.)

The Third Book is entitled 'of the different modes of acquiring property;' and, in *twenty* titles, treats, 1, *of*

successions; 2, of donations *inter vivos* and testaments; 3, of contracts, or conventional obligations in general; 4, of engagements formed without a convention; 5, of the contract of marriage, and the rights of the parties respectively; 6, of sale; 7, of exchange; 8, of the contract of letting to hire; 9, of partnership; 10, of loan; 11, deposit and sequestration; 12, of contracts connected with chance; (*aleatoires*, such as wagers, and life rents;) 13, of power of attorney; 14, of becoming security; 15, of transactions; 16, of bodily duress in civil cases; 17, of furnishing security; 18, of mortgages; 19, on taking and selling by execution; 20, of prescriptions.

Such are the general titles of the Code. Most of them being comprehended in several chapters, in which the different subdivisions are treated, of which the titles are susceptible, it is plain that a full conception of the contents of the Code cannot be formed, without giving the topics of the several chapters. This, however, would draw us into a detail, which our limits do not admit.

We have already hinted, that the remaining nine volumes of the collection contain discourses on the subject of the various titles and provisions of the law, pronounced either by the orators of the government, or of the Tribunate, pending the discussion of the laws. These discourses contain a history of the point of law in question, as it formerly stood in different parts of France, or reasonings in favor or against the new provision; and the collection forms a most interesting repertory to the student of general jurisprudence. A very well contrived system of references, guides you, in the first volume, at every part of the Code, to those discourses in the subsequent volumes, where that part is explained or treated. The eleventh volume, or supplement, is devoted to a collection and abstract of all the laws passed since 1789, which are necessary to the understanding of the Code, or immediately connected with its provisions. It affords an impressive lesson of the use, which the PEOPLE would make of the sovereign power in Europe, were they entrusted with it, to find the first words of this collection, under date of August 4, 1789. 'The National Assembly entirely destroys the feudal regime,' &c.

The next work to be briefly described, is the '*Conference on the Civil Code*, with the private discussion of the Council

of State, and of the tribunate, before the final draught of each provision of law.' This work is drawn up with great care, and in a manner to throw much light on the nature of the system, to whose illustration it is consecrated. It first presents each article in the Code, as it finally was adopted, printed in a more conspicuous type. Next follow the different forms and draughts of each article proposed and discussed in the Council of State, with the report of those discussions. To this succeed the observations made in the Section of Legislation of the Tribunate, on each article as proposed in the official conferences with the Council of State. In this manner, the history of each article, which was matter of debate, is recorded; and ample means are afforded of ascertaining its precise sense, by comparing the different modifications through which it passed to its final form. We cannot better give an idea of the nature of this work, than by presenting our readers with a considerable extract from it. For this purpose, we select the first discussion, in the first volume, on the preliminary title 'of the Publication of the Laws.' Our limits will oblige us to abridge the remarks of some of the Counsellors. Those of Napoleon we shall present entire.

PRELIMINARY TITLE.

Of the Publication, of the Effects, and of the Application of the Laws in general.

(Decreed the 14th of Ventose, year XI. Promulgated the 24th of the same month.)

ARTICLE FIRST.

The laws are binding throughout the French territory, in virtue of the promulgation made of them by the First Consul.

They shall be binding in every part of the Republic, from the moment that it is possible their promulgation should be known.

The promulgation made by the First Consul shall be considered as known in the department, which contains the seat of government, one day after the promulgation, and in every other department after the same interval, with the addition of as many days as there are ten myriameters of distance (about sixty miles) between the city, where the promulgation shall have been made, and the capital of the department.

DISCUSSION IN THE COUNCIL OF STATE.

First Draught. (Session of the 4th Thermidor, year IX.)

'The Laws shall be binding throughout the republic, fifteen days after the promulgation by the first Consul.

'This delay may, according to the exigence of the case, be modified by the law, which is the subject of publication.'

[The reporter of this first draught, whose name is not given, opens the discussion, with alleging the general advantages of having a fixed period from the publication of the law, after which it shall be considered as known throughout the state. His remarks are too long to be given. He is followed by Napoleon.]

The First Consul remarks, that already the constitution suspends for ten days the promulgation of the law; to add fifteen days more to this term, would be often to fail in the very object which the legislator has in view, particularly in the case of repressive laws, or others, whose execution does not admit delay.

The Consul Cambacérès extends the same objection to the civil laws. There are those, which might be eluded in the space of time which would elapse, between the moment of their being decreed and that when they became binding.

The C. Portalis replies, that as to repressive laws, the remedy of this difficulty is found in the article as reported, which admits of curtailing, in special cases, the general term of delay.

As to the difficulty in regard to civil laws, it must exist under any arrangement.

The First Consul says, that the section proposing the article, seems to lose sight of its own principles, when, contrary to the provisions of the Roman law, and the unanimous opinion of the Jurists, who have been consulted, it holds that the law is not binding as soon as it is known.

The C. Boulay objects, that the case is the same under the existing system, since the law does not become binding but from the day, when the despatch of it has been entered on the Register of the Department.

The C. Rœderer says, that the solution of this question is to be sought in the Constitution, which provides, article 41, that promulgation shall be made by the First Consul. The word *promulgation* intends *publication.* It is then the First Consul alone who publishes. The registering is not necessary to the promulgation, which belonging solely to the First Consul, cannot be shared by a Prefect of Department. The registering by the Prefect, is a mere act of record, which is not designed to make known the law. But this registering is not known the same day in the whole extent of the prefecture, any more than the promulgation of the First Consul is known the same day in all the Depart-

ments. What then is it necessary to add to the promulgation, in order to assure the law's being known? An interval of time, in which the promulgation may be presumed to come to the knowledge of the citizens. This is the course followed in England and America. Nevertheless, as it would be ridiculous to establish a tarif of distances, a general reference could be had to them, and it might be provided that ignorance of the law should not be pleaded at the seat of government, on the day of promulgation, nor in other places after an interval of five days for every seventyfive miles.

[*The C. Tronchet* spoke next, somewhat at length in defence of the draught as reported, proposing, however, to fix a different period, after which, the law should be binding on the colonies from that, which should be adopted for the mother country.]

The C. Boulay proposes to leave with the government the right of fixing the epoch, when the law shall become binding in each colony.

The First Consul observes, that the laws may be declared binding in the colonies, from the day of their arrival. He asks why, in general, the laws should not be held binding, from the day they are presented at a session of the courts, by the officer of the government.

The C. Rœderer observes, that this would be to revive the old form of registration.

The First Consul persists in thinking, that it would be derogatory to the majesty of the national will, not to render the laws obligatory, till twentyfive days after they are known.

The C. Boulay says, that if the law became binding only from the time when it was presented by the officer of the government, it would be in the power of that functionary to retard its execution.

[*The Minister of Justice* supports the last suggestion of Napoleon.]

The C. Cambacérès remarks, that the inconveniences thought to be incident to the present mode of publishing the laws, had not, in fact, arisen. The only question, which has been started, is, whether the courts are bound to decide according to a law, before having received it. The change proposed in the existing mode of publication is, therefore, without ground. Why deprive the person, who lives in a department where the law is known, of the right of using it?

The C. Regnier thinks, that the French being equal in their rights, they ought all to be subjected at the same moment, to the empire of the law, whether it be rigorous or favorable.

The First Consul observes, that the principle of equality of rights is respected, if all the French are equally bound by the law, from the moment that it reaches their place of habitation.

[*The C. Emery, Berlier,* and *Tronchet,* discuss these principles at considerable length. We pass over these remarks, as not particularly interesting.]

The First Consul maintains, that the plan reported by the Section, would embarrass the execution of the law. It would be constantly necessary to debate upon the time when the law should become binding; the general period would be preserved, only in leading laws of a civil nature, and would be disregarded as to all others. There are few laws, whose execution ought to be delayed twentyfive days; and when the case is very urgent, the government ought to be able to accelerate the execution of the law, by despatching extraordinary couriers.

[*The Minister of Justice,* and the *C. Portalis,* adopt and oppose respectively, the sentiments of the First Consul.]

The First Consul proposes to regard the capital of each Department as the central point, from which the law ought to be published; and to fix the delay at the rate of a day for fifty miles, reckoning from the city where the law is promulgated. Nevertheless, as the presumption of notoriety recognises the principle, that, where the law is known, it is binding, the government, in urgent cases, might abridge the delay, by despatching extraordinary couriers with the law.

The C. Bigot Preameneu, thinks an actual (materielle) publication can alone give the government assurance, that it has fulfilled the duty of making known the law. How else could the Court of Cassation reverse judgments contrary to a law, if it be uncertain whether said law were known to the court whose judgment is reversed?

The First Consul puts to vote the question, whether the laws shall not be binding, till after a general delay. He invites the Citizens, Reporters of the Code, to vote with the Counsellors of State.

The Council rejects the proposition of establishing a uniform and general delay in the execution of the laws.

Second Draught. (Session of the 14th Thermidor,* year XI.)

'The laws shall be binding throughout the continental territory of the Republic, reckoning from their promulgation by the First Consul.

'In the jurisdiction of the Court of ————, after a delay of ———— days.

'In the jurisdiction of ———— after a delay of ————.'

The C. Defermon observes, that it would be more simple to regulate the delay by distances of twentyfive leagues.

* This second discussion, it appears from the dates, followed ten days after the first.

The Minister of Justice approves the first part of the article, but rejects the specification of each jurisdiction, as too detailed for a law.

The First Consul says the law might be declared binding at the seat of government, on the day of promulgation; and in the other departments, after a delay calculated at the rate of an hour per league, assuming the chief city as the point of distance, so that when the law shall be known there, it shall be reputed to be known throughout the department. This mode of publication, would have the advantage of being independent of all territorial divisions. It would not be necessary to modify it, in case of any change in the existing divisions.

The estimation of the distances should be fixed by an order. This measure would put it in the power of the government to modify the arrangement of the distances, whenever natural obstacles, such as the overflowing of a river, the fall of a bridge, or other like causes should interrupt the ordinary communications.

The C. Tronchet objects, that there are chief towns of departments so near Paris, that the law would become binding in them, two hours after the promulgation, that is, in a space of time evidently too short for the law to be known throughout the department. To escape this inconvenience, the Citizen Tronchet proposes to fix, at the beginning, a uniform and unvariable delay of ten days, and then to add a second delay, calculated upon the distances.

The First Consul says, that the uniform delay might be fixed at twentyfour hours.

The C. Maleville considers the draught of the section as perplexed. He proposes to amend it as follows.

'After the laws shall have been promulgated, they shall become binding in the following periods of time;'——

The C. Lacuée wishes, that the article should make provision for the publication of the laws, in the departments not continental.

The First Consul says, that this point should be referred to the order, which the government may be authorised to make on the subject.

The Article of the Section is rejected. *The First Consul* directs the Section to prepare a new article, according to the amendments proposed.

Third draught. (Session of the 4th* Fruct. Year IX.)

'The laws shall be binding throughout the French territory, in virtue of the promulgation made of them by the First Consul.

'They shall be binding in every part of the Republic, from the moment that it is possible their promulgation should be known.

* Twenty days after the last session.

'The promulgation made by the First Consul shall be considered as known throughout the jurisdiction of the appellate court of Paris, twentyfour hours after its date; and throughout the jurisdiction of each of the other tribunals, after the expiration of the same interval, with the addition of as many hours as there are myriameters between Paris and the cities respectively, where these courts meet.'

The C. Fourcroy observes on this article, that the delay of an hour *per* myriameter is evidently too little for the continent, and wholly out of the question for the colonies.

The C. Regnaud, (de St Jean d'Angely,) proposes to extend the delay to two hours, the myriameter being about twice the old league.

[This discussion is prolonged for some time, but it would appear that the First Consul was not present, the questions being put by Cambacérès.—The article, with further amendments on the last stated draught, was reported to the tribunate for their observations, which resulted in its final adoption, as given at the head of this extract.]

We have made this long and possibly dull extract because, without such an extract, it is impossible to form an accurate idea of the agency of Bonaparte in the preparation of the Code. Our readers have now only to consider, that the debate we have quoted is not a holiday performance, but that an entire code of law was discussed in his presence, and with as much participation in the debate; and they will then have an idea of the astonishing versatility of his powers.—The *Conference* consists of eight volumes.

The next work to be briefly described is the *Code de Procedure Civile,* in two volumes; the first of which contains the mode of proceeding before all the tribunals, from that of a justice of peace up to the highest court of appeal. The second volume contains the reports and statements of the various counsellors of state and tribunes, of the reasons and motives of the several legal provisions relative to the forms of process. In the first volume are some long decrees of the Emperor, reorganising the Council of State, which throw much light on this, the most complicated and important department of the system of the French government. The Council continued during the reign of Napoleon to undergo modifications; and under the royal government also has experienced some changes. It is not easy for a foreigner to comprehend, in all their extent, the details of the organisation and jurisdiction of

the Council of State. A chapter of sixty closely printed octavo pages is devoted to the subject, in a convenient work, which we shall presently mention more particularly. *Les Cinq Codes avec Notes et traités, par J. B. Sirey, Paris*, 1819.

The *Code Pénal*, or code of criminal law, which we next mention, is not unknown to the American public. An entire translation of it, by a very accomplished scholar and jurist, Mr Duponceau, was inserted in the Appendix to the American Review, vol. ii. for 1811. A translation of it was also commenced in the United States Law Journal for January 1823. A brief analysis will therefore suffice.

The *Criminal Code* is contained in *four* books. Book First treats of 'punishments in criminal and correctional cases, and of their effects.' The object of this book is simply to ascertain and describe the nature and effects of the various sorts of punishments. Punishments are of four kinds, according to this Code; 1st, those which are corporal and ignominious, viz. death, hard labor for life, transportation, hard labor for a limited time, and imprisonment. Branding and confiscation of property may be inflicted, together with corporal punishment, in cases determined by law; 2d, those which are ignominious, viz. the pillory, banishment, deprivation of the rights of citizenship; 3d, correctional punishments, viz. confinement for a limited time in a house of correction, deprivation for a limited time of certain rights of citizenship, or of civil or family rights, fines; 4th, punishments inflicted by the police, viz. small fines, imprisonment from one to five days, and the confiscation of certain objects seized.

Book Second treats the subject of 'persons punishable, excusable, or responsible for crimes or offences.'

Book Third treats 'of crimes, offences, and of their punishments,' under two general titles; 1st, that of crimes and offences against the commonwealth; 2d, that of crimes and offences against individuals. This is, of course, the most important book, containing the substance of the criminal law of the country. Many of its provisions coincide with those of a criminal code, which was adopted in the year 1791. The punishment of death is always inflicted by the guillotine. No mutilation takes place, but in case of parricide; in the punishment of which the right hand is cut off, immediately

before decapitation. Forgery is punished by imprisonment for a term of years.

The second volume, of which the collection called the *penal code* consists, contains various reports and discourses illustrative of the grounds and reasons of the laws. The most ample indices facilitate the reference to every matter treated in this code.

Intimately connected with this work, and enacted before it, is the *Code d'Instruction Criminelle*, or code regulating the mode of procedure in all criminal cases. An ample notice of this work is contained in the Edinburgh Review, vol. xvii. p. 88. A minute account of the mode of constituting a jury, of presenting a cause to them, and receiving a verdict from them, is contained in this article. We may add, however, to the account in the Edinburgh Review, a word respecting the unanimity of juries, and the manner in which their verdict is adopted by the court.

If the jury be equally divided their verdict is, *not guilty.* If the prisoner is found guilty of the principal fact, by a bare majority of the jury, the judges shall deliberate on the question; and if the opinion of the minority of the jurors is adopted by the majority of the judges, in such a way that on combining their voices, the number shall exceed that of the voices of the majority of the jurors combined with those of the minority of the judges, then the prisoner shall be declared not guilty. If, besides this case, the judges are unanimously dissatisfied with the verdict, they may order a new trial by another jury.

The *Code de Commerce* is the last of the five codes. An entire translation of it, with very valuable explanatory notes, is also to be found in the American Review, vol. ii. 1811, and is sufficiently commended in the name of the translator and annotator, Mr Duponceau.

The Code of Commerce is comprised in four books, with a supplement. The FIRST BOOK, under eight titles, treats the subject of commerce in general. The SECOND BOOK treats marine law, shipping, insurance, &c. The THIRD BOOK treats of failures and bankruptcies, of which the latter, by the usage of the French language, are understood to be fraudulent. This branch of law is contained in one hundred and seventyeight articles or *versets*. Several highly valuable

essays or discourses of the government lawyers and counsellors of state, relative, among other subjects, to the laws of failure and bankruptcy, may be found in the second volume of the *Code de Commerce.* The supplement to the code contains, among other matters, a law fixing the rate of interest, with a discourse upon this point by the Counsellor Jaubert.

Such is the enumeration of the five codes, and such a brief account of them, and the works illustrative of them, named at the head of our article. We ought not, however, to pass without notice the edition of M. Sirey, which comprehends them all in one volume, together with an ample collection of principles from adjudged cases.

We had intended to make a few remarks on the French Code, as an object of imitation for this country, but the subject of Codification is much too extensive and important to be treated in a few pages. It is a subject, which has lately engaged, and still engages, a good deal of attention in other countries, as well as in our own. A classical work was written, a few years since, by Professor Savigny, of Berlin, esteemed one of the first civilians in Germany, entitled, *On the Vocation of this Age to make Codes of Law.* This celebrated author is decidedly opposed to the compilation of a Code for Germany, and in this opinion he is followed by Mr Hugo, of Göttingen, and in general by the civilians of the school, of which Messrs Savigny and Hugo are considered as the heads. Some of the grounds, on which lawyers of England and America oppose a Code, are of course inapplicable to the question as discussed in Germany; and the extraordinary superiority, which the continental jurists claim for their law, as resting on a definite written base, like the *Corpus Juris*, over what they consider the vagueness and uncertainty of the common law, seems inconsistent with the zeal, with which the same jurists now oppose the preparation of a new Code.

The expediency of *Codifying* (for the ill sounding term is of convenient use) in England and America, is unquestionably one, on which opinions are divided; not only a question, like Sir Roger de Coverley's, where much may be said on both sides; but a question on which different opinions would be entertained, after it was reduced to its simplest and most abstract statement. We are inclined, however, to think that

it is nevertheless a question, on which men would think much more nearly alike than they now do, if they would begin by understanding each other precisely, as to the terms of the controversy; the proposed nature of the work, of which the expediency is discussed, and the sort of advantage to be expected from it. The *thing* Codification is certainly as old as Moses; the *word* has grown into use, we believe has been coined, within a few years, in the progress of the lucubrations of an individual, whose reputation and character we consider too enigmatical to be rashly pronounced upon. We mean of course, Mr Bentham. This gentleman, in the course of his life, has proposed to write Codes of Law for Russia, for each of the United States, and very lately for Greece. If the question then to be settled is, whether it is expedient that the governors of the states should accept the proposals, which some time ago were made to them individually by Mr Bentham, to codify their law, we suppose the question would be settled with equal promptitude and unanimity. But when the question is thus stated, it is plain that it is a question not as to the expediency of codifying, but as to the mode of doing it, and the probability, that it would be well done for us by a visionary foreign philosopher, as much distinguished, at least, for his zeal in party politics, as for his learning in jurisprudence. If the question, on the other hand, be, whether it were not to be wished that Lord Bacon had accomplished the digest of the law, which he proposed; whether it were not desirable that Sir Edward Coke's works were, in reality, what Blackstone says 'he is pleased to call them, though they have little warrant to the title,' Institutes of Law; or if the question be, whether a valuable service were rendered to the Roman law, by the Institutes and Digest of Justinian, and issue were joined on these points, though the question is still more or less personal and local, as to the mode and occasion, yet we apprehend the answers would be different from those, which would be made to Mr Bentham's proposal. There is probably no man, who has ever studied Lord Coke's four books of Institutes, that has not uttered or conceived the wish, that this most learned jurist had, with logical severity, followed the plan, which that name would seem to indicate.

So with regard to the advantages, which would result from a code, a little previous candid explanation would no doubt

go far, to reconcile judgments seemingly opposed to each other. It is sometimes intimated, that the friends of codification expect to destroy litigation, by making the law, on all points, so clear that no question could possibly arise. We know not what Mr Bentham, or M. Dumont, the great organ of his communications, expects to effect, but if this were the proposed and expected advantage to result from *Codification*, it would certainly be a work to be left to the jurists of Laputa. The least experience, the least reflection is sufficient to convince any one, that litigation does not, in a majority of cases, grow out of the uncertainty of the law. It is much more frequently occasioned, no doubt, by the uncertainty of the application of undoubted rules of law to complicated and unexpected trains of fact and circumstances. But human passion and human interest are the great sources of litigation, from which it must always flow, apart from the greater or less uncertainty of the law or the facts. Sir Edward Coke, we believe, says, that not more than two points of law were called in question, during his practice in the Courts. Many thousands of lawsuits were no doubt prosecuted in this period.

If then codifying is not to destroy litigation; what good is it to do, or is it expected to do? As we are not now discussing the subject itself, we shall not, of course, undertake to answer this question in any detail. We would only say, that the good effects of codifying would be precisely the same in kind, and differing in degree according to circumstances, with those of every other process, undertaking, or work to facilitate the study and practice of the law. If the day before Sir William Blackstone sent his Commentaries to the press, the question had been started, whether their publication would destroy or diminish litigation, or more generally, whether it would do any good, the answers would probably have been as various, as those now made to the question of codifying. We are told, that when the first copies of Blackstone's Commentaries reached America, (whither, by the way, Mr Burke tells us, nearly half the early editions were sent,) James Otis, in possession of one of them, rushed into open court, in the fulness of admiration, and declared, that if that book had been written earlier, it would have saved him years of labor. A code of law properly prepared, stating in

as plain a form as it can be stated, what the law of the land is, on every point, would produce, in a greater or less degree, the same saving of time, which James Otis ascribed to the publication of the Commentaries. To that small portion of litigation, which arises from an uncertainty on the part of clients as to what the law is, it might gradually be expected to afford a remedy. It would also go far to enable persons, not lawyers, to acquire a liberal knowledge of the law of the land. Fortescue more than three centuries ago said, that this could be done in a year, without the neglect of other employments. It must, however, be a very superficial knowledge, that could be obtained on those terms.

A code of law may be conceived of in two forms; that of a work, like those of Justinian or Napoleon, an authoritative body of law, enacted by the legislative power of the state; or that of a mere learned production of a private jurist, as the work for instance of Domat. The questions of expediency would receive different answers, no doubt, according as one or the other species of code was projected. The severest friend of the system as it is, would probably welcome the appearance of a work, in which every rule, maxim, and injunction of English or American law should be propounded in natural order, and in the simplest form, by a jurist like Coke or Mansfield. What good the work would do, would depend on the use it was put to, and the hands into which it fell. To one man it would be invaluable, to another worthless. Some it would assist and some it might mislead. But all this may be said of every other book ever written, on the law, or on any other subject. We may add, that approaches to a work of this kind have been frequently made and with entire success. Every elementary treatise on a title of law partakes of the nature of such a work, and some attempts at this private codifying of the common law, in the strictest form, have also been made.

But the more common understanding of a code of law is, that of a body of law compiled and enacted by the legislative power, like the Code Napoleon. Would this be useful? This is the great question, on which we do not mean to enter. We think ourselves, knowing that our opinion, as such, carries no weight with it on the point, that it would be highly useful. We see no reason why a work, which we

have supposed would be of universally admitted utility, as a private enterprise, would diminish in utility, in consequence of being drawn up with the greater deliberation and solemnity, necessary to a legislative ordinance. The work of course would be prepared by the ablest lawyers and judges of the day, who are authorised on every point to decide what the law is; and would receive the sanction of the legislative body, which is authorised on any point to declare what the law ought to be, within the limits of the Constitution. Moreover, approaches have been made even in England and America to codifying, in this sense; and further approaches are daily making. Every consolidated act is of the nature of a chapter of a code. Two such chapters in the code of the United States have passed the House of Representatives the last winter; one merely administrative, the other in the highest walks of penal jurisprudence. We allude to the Post Office bill, and to Mr Webster's law against certain crimes and misdemeanors. Every bankrupt act is an important section of a code. Lord Ellenborough's Statute, 43 Geo. III. c. 58, was such a section, and scarcely a session of Parliament or of Congress passes without one. The work, therefore, is constantly doing in part, and irregularly? Why not do it in the form of an entire perfect system? But it is idle to make *remarks* on a subject, which volumes would not exhaust, and we therefore drop it.

Art. VIII.—1. *An Oration pronounced at Cambridge, before the Phi Beta Kappa Society, August* 27, 1824. By Edward Everett. Published by Request. 8vo. pp. 67. Boston.

2. *An Oration delivered at Plymouth, December* 22, 1824. By Edward Everett. Boston. 8vo. pp. 73. Cummings, Hilliard and Co.

As the occasion on which the first of these orations was pronounced, in presence of the Nation's Guest, and before an assemblage of eminent persons from all parts of the Union, was one of rare occurrence and deep interest, so the subject

chosen by the orator was well calculated to suit the dignity of the occasion, and to command the attention of his hearers and of the public. This subject was, 'The peculiar motives to intellectual exertion in America.' A topic so comprehensive, and touching so closely the political condition, the institutions, and prospects of our country, could hardly fail to open a rich field for inquiry and discussion, for ingenious argument, plausible conjecture, and eloquent illustration. The author's method, and the ability and success with which he has accomplished the task he set himself, will appear as we proceed.

Hume long ago attempted to demonstrate, that it was not possible for the arts and sciences, or those acquisitions, which constitute the refinement of intellect and manners, to take their rise under any other than a free government. He lays it down as an axiom, that in a community there must be laws before the desire of knowledge; for laws give security, this prompts to curiosity, and hence inquiry, which is the prelude to knowledge. An absolute despotism is in its nature without laws; the will of the sovereign is supreme, and as no rules exist from which the people can anticipate the mode, in which his judgment or caprice will induce him to decide and act, it follows that no sense of security, no settled confidence in the governing power remains. The case will not be altered, into whatever number of departments a despotic government may be divided. The head may delegate a portion of his authority to subordinate governors, but each of these, having no laws to guide him, will be a despot, and the security of the people will be in the same state of jeopardy, as if there were no such division of power. The moment you establish laws, you weaken the despotism, and give the people some influence in their own government. These laws will be binding on the rulers and the ruled, forming a known system, and thus far giving security. If they are oppressive, the people can take measures to lighten the burden, by making it expedient for the governing power to adopt modifications and improvements. Such was the process in Rome, when the authority of the consuls was absolute, and they decided all causes without any other statutes than their own opinions. The people grew impatient, the decemvirs were chosen, and the laws of the twelve tables pro-

mulgated, which became gradually enlarged and formed into a system, that answered all the purposes of a government essentially free. It is, moreover, impossible for the arts and sciences to take root in a despotism, because, till they have gained some degree of ascendency, the monarch himself must be unenlightened, and ignorant of the modes of establishing forms of government suited to embrace the complicated operation of laws, and the machinery necessary for preserving a balance among the various subordinate departments.

Now, whether this argument of Hume may not be a little too specious, to be set down as a practical axiom in politics, we shall not decide. The theory appears sufficiently sound, and is probably borne out by facts as far as history records them; but when we go back so remotely into the ages that have been, and search for the origin of governments, and the first dawnings of the arts and sciences, we grope in a darkness too profound to enable us to fortify our discoveries by any substantial historical testimony. As all governments must have originated in the consent of the people, it is hardly probable that any forms have long subsisted wholly independent of law, or so despotic as not to afford security enough to give the mind leisure to become enamored of knowledge, and freedom to pursue it within certain limits. Nor could there have been occasion forcibly to narrow these limits; the progress of acquirement must have been gradual, and rarely so rapid as to alarm the jealousy of despotism. Hence knowledge and laws sprang up together, and the question, as to which took the lead in the primitive forms of government, if it be not idle to ask it, will hardly be answered with the present imperfect light, which the world has on the subject.

Nor indeed is it of much consequence now, at what time, or under what kind of government, the human mind began first to put forth its strength. In the present state of political advancement, it is mainly important to know the tendency of different forms, as it has been tested by experiment, and is now developing itself in the various systems, old and new, of civilised nations. Every day opens some untried point of observation, and if future legislators shall have the wisdom to remedy the errors, which, aided by the experience of the past and the enlightened influence of the age, they have the

sagacity to detect, we may safely conclude, that the development of wise political principles, and all the means for attaining the desirable ends of government, will advance with as sure and quick a step, as the discoveries in physical and moral nature, or improvements in the arts and sciences. But this state of things necessarily supposes freedom, the same freedom to investigate the laws, by which men are held together in society, as those which regulate the heavenly orbs in their motions, or the affinities of simple or compound bodies. If the mathematician may carry his analysis beyond the depths of former knowledge, and discover new theorems to clear up the mysteries of the planetary motions, if the chemist may bring new minerals and gases to light, and place them among the elements of his science, let the statesman have the same liberty, let him explore the science of government and the principles of human action, and where he makes a discovery, let it be established as a new point gained. The boundaries of philosophy and reason, of enterprise and intelligence, will thus be enlarged, and these will work together in demolishing the barriers to political improvement, reared by the ignorance of former ages, and too long upheld by superstition, interest, and the tyranny of custom.

The history of the last half century has clearly shown the tendency of opinion on this subject. Where an opportunity has occurred for changing old forms, or establishing new ones, free institutions have been the basis on which men have struggled to build up their political fortunes. The business of making kings, creating nobles, and bowing before crowned heads, has no longer any favor in the eyes of those, who are seeking to organise such a system of government, as will secure their political rights and social happiness. And the experiment of free institutions has been tried with so much success, and is now going on with so encouraging a promise throughout this whole western continent, that it would already be an idle dream to anticipate the day, when a retrograde movement shall begin, or when the progress of intelligence, liberty, and just political principles, will not be as sure and constant, as that of time itself. To investigate the influence, which these free institutions are likely to have on the condition of the millions and millions of human beings,

destined to be brought under their control, is an employment of the most interesting nature. Professor Everett pursues the inquiry with particular relation to our own country, but his discussion admits of a general application, and may be considered as having a bearing not less strong on all free governments.

To a citizen of the United States it is in the highest degree amusing, to observe the speculations into which our brethren, on the other side of the water, allow themselves to be drawn, when they touch on the politics of America. Sixteen years only have passed away, since the Edinburgh Reviewers, professing a kindly interest in our affairs, lamented, in terms truly bewailing, the self destroying tendency of what they were pleased to consider our ill contrived and disjointed political fabric, and ventured most lugubrious predictions of its premature dissolution. They were constrained to call it an 'absurdity,' and, bemoaning its inherent aptness to 'dismemberment and ruin,' they, in a very solemn manner, advised the 'American reformers, to think of gradually dissolving their state governments, and really incorporating themselves into one people, and one name.' In time of peace they thought it might be possible to keep the government together, but war they assured us 'would give a tremendous shock,' and 'the whole frame of the constitution would be in danger of falling to pieces.' A pitiable prospect truly! And how have these ominous predictions been verified? We have gone on gathering strength every day, new states have been taken into the Union, our numbers have increased with a rapidity unexampled, and the most sanguine patriot of the revolution, in the brightest visions of his country's rising glory, could never have anticipated a success so decided, or a prosperity so unchecked, as this whole nation has enjoyed up to the present moment. We have had a war, under circumstances of high party excitement and peculiar disadvantages, but no shock has been felt, nor have the pillars of government been moved in the slightest degree. So far from shaking the frame of the constitution, this war contributed, more than anything else has done, to test its stability, and consolidate its parts; the public mind was brought to act in a common cause; a national feeling was kindled, and local partialities were swallowed up in the greater interests

of the whole. The burden of expense was cheerfully borne; and, in short, the entire history of the government of the United States has proved the apprehensions of its ill informed friends abroad, and the eager prophecies of its enemies, to have been equally without foundation.

The Edinburgh Reviewers have always been unlucky prophets; the Cumaean Sibyl was not more oracular than were these gentlemen in the first years of their labors; they brought not only Great Britain, but Bonaparte and all Europe, within the field of their vision; they cast broad horoscopes for detecting the secret destinies that awaited the nations, and revealed their discoveries with due condescension and solemnity. It is no wonder, therefore, that sixteen years ago these political seers should turn the eye of foresight on America, and be as much deceived as in cases of greater moment nearer home. They have at length closed their book of oracles, and begin to search for knowledge like the rest of the world, in the lessons of experience, the wisdom of caution, and the plain facts of history.

But what shall we say of the present Poet Laureate of England? He continues to dream dreams and see sights, to indite ominous presages, and scatter his portentous forebodings about America, with as much pertinacity as ever, and with as much apparent ignorance of the principles of our government, and the organisation of our society. A twelvemonth has but just elapsed, since this sagacious politician suggested several important changes in our constitution, without which he is convinced the whole system of American republics must come to a speedy end, and the people be left in a deplorable state of mental and moral degradation. And what do our readers imagine these reforms to be, which are to save our republican institutions from perils so threatening? No other, indeed, than a gradation of ranks, hereditary titles and wealth, and a church establishment! These are the salutary appendages, that Mr Southey in his wisdom recommends, as the necessary safeguards to our liberty, rights, morals, and religion, which he says are fast decaying, and fears will soon be extinct. His modesty, it may be presumed, prevented his adding one thing more as requisite to the good government, virtue, and happiness of these United States, and that is, a Poet Laureate.

But it is time for us to return to Mr Everett's Oration. The first motive to peculiar intellectual exertion, to which the orator alludes, is found in the 'new form of civil society, which has here been devised and established.' This view of the subject is of great importance, and exhibits the United States under circumstances totally different from those, which have prevailed in any other age or country. Society here stands on a basis, and wears forms wholly new, and, as a matter of course, results of some sort are to be expected, such as have not been produced by former experiments.

'In ancient and modern history there is no example, before our own, of a purely elective and representative system. It is therefore, on an entirely novel plan, that, in this country, the whole direction and influence of affairs; all the trusts and honors of society; the power of making, abrogating, and administering the laws; the whole civil authority and sway, from the highest post in the government to the smallest village trust, are put directly into the market of merit. Whatsoever efficacy there is in high station and exalted honors, to call out and exercise the powers, either by awakening the emulation of the aspirants [?] or exciting the efforts of the incumbents, is here directly exerted on the largest mass of men, with the smallest possible deductions. Nothing is bestowed on the chance of birth, nothing depends on proximity to the fountain of honor, nothing is to be acquired by espousing hereditary family interests; but whatever is desired must be sought in the way of a broad, fair, personal competition. It requires little argument to show, that such a system must most widely and most powerfully have the effect of appealing to whatever of energy the land contains; of searching out, with magnetic instinct, in the remotest quarters, the latent ability of its children.' pp. 12, 13.

Another and a powerful motive for mental action in our political system, at which Professor Everett has but slightly hinted, is that, growing out of the peculiar nature of our confederacy. This is as completely novel, as any other feature in the system. It is strictly a confederacy of the people, as individuals composing one great nation, and at the same time forming distinct governments among themselves, each of which enjoys the rights and privileges of sovereignty, within certain defined limits. Our transatlantic critics call this a wheel within a wheel; so it is, but every movement is regular, harmonious, and uniform, without clashing or jarring. A confederacy like this has never before existed. The Grecian

republics were bound together as states, but not as constituting one people, not as forming a union in which every inhabitant of the several states had an equal interest. The Amphictyonic league was composed of two representatives from each city; hence the people were not represented in any due proportion; and it would seem to have been the chief business of the Amphictyons to superintend the religious concerns of Delphi, to provide for mutual resistance of a common enemy, and to settle such differences as arose between states. The confederacy of the Netherlands was still more defective in its organisation, although it embraced a wider sphere of legislation and control. The provinces and some of the towns had elective governments of their own. Each might send as many representatives to the States General, as it chose, but when assembled they could collectively have only one vote in that body. The resolutions of the States General in many cases could not be carried into effect, till approved by the provincial legislatures, and even here a unanimous vote was sometimes required. The authority of the Stadtholder, or president, was greater than that possessed by the heads of some monarchies. The principles of the Helvetic confederacy are not less complicated and imperfect.

To the peculiar nature of our confederacy, therefore, we may look for the action of new motives on the mind and character. As several small states, united by the bond of common interest, afford a barrier to the encroachment of power, so in like manner they present facilities for the progress of intellect. Such a union effectually breaks down the despotism of authority, which in all monarchical governments has assumed a pernicious sway over the mind, and has been the source of the superstitions, and false opinions, which have kept whole nations in a state of intellectual servitude for many ages. History exhibits curious examples of the influence of authority over a nation, founded in the opinions of a sovereign; and every one knows, that the tone of public sentiment, and too often of public morals, has been fixed by the fashion of a court. A remarkable instance now occurs to us in the case of witchcraft, in the reign of James the First. This prince early imbibed the notion of the agency of evil spirits, in controlling human affairs, and, before he came to

England, he had written his dialogues on *Demonologie*, in the Scottish dialect, and explained at large the practices of these spirits, and the manner in which they made compacts with witches. He also laid down rules for detecting witches, and urged the justice of their being punished. Soon after James was made king, his book was republished, and lauded by all, as Dr Johnson said, 'who desired either to gain preferment or not to lose it.' Nothing was so fashionable as to believe in witchcraft, and admire the king's great wisdom and depth of knowledge in discovering such wonders of the invisible world. Evil spirits were seen daily, witches multiplied, and the contagion spread to the parliament, by which, in the first year of James's reign, a law was passed against the invocation of spirits, sorceries, charms, enchantments, and the punishment of death was denounced on all witches, who should be guilty of these practices. The law, it is well known, was frequently and for many years, put in execution. It was in the genuine spirit of the times, that Shakspeare brought his witches on the stage. And we doubt not, that all the absurdities and cruelties growing out of the delusions about witchcraft, both in Great Britain and New England, had their origin mainly in the diseased imagination of this Scottish prince, whose luck it was afterwards to be a king, and to become an object of servile flattery and imitation to his obsequious subjects.

Besides the tendency of separate governments in small states to resist authority, and secure freedom of thought, this system contributes in the most direct manner to add incitements to emulation. A proof of this is seen in the ancient Grecian states; a spirit of rivalry sprang up among them, which brought out great minds to act with uncommon vigor for the honor of their native city, or province, and which was exceedingly favorable to the growth of the arts and sciences; whereas in China, a country of immense extent, and inhabited by a people not less shrewd and sagacious than the Greeks, but ruled by an absolute monarch, scarcely a step has been taken in any branch of intellectual culture, from the beginning of its history down to the present hour. As the dominion of authority has been long and stern, popular opinion has run in the same smooth and undisturbed channel for thousands of years.

The motives to emulation, and the influence of example, are peculiarly strong in small states, united on the principles of our own, enjoying republican institutions, and all the prerogatives of liberty and independence. The wise laws adopted by one state will soon be understood and received by its neighbors, and thus the whole will profit by the deliberations and experience of each. The spirit of enterprise and improvement, which shall be kindled in one body of legislators, will extend to others. This has already become as true in practice as theory, and we are continually witnessing the influence of one state on another in promoting a modification and judicious revision of the laws, forming courts of justice on the best models, raising up and supporting benevolent and literary institutions, providing for the relief of the poor and the comfort of the afflicted, and in giving encouragement to all the arts of life and means of intercourse, which answer, to their fullest extent, the designs of the social compact. Here is abundance of motives to intellectual exertion, and no forms of government have ever been so well calculated as our own, to make them operative and successful.

Again, the novel form of our confederacy presents us with other advantages, conspiring to produce the same effect. The powers of the national government reach to all our relations with foreign countries, to the formation of treaties, the regulation of commerce in all its branches, and whatever else may be considered as touching the mutual interests of great and distinct nations. These powers also embrace our internal concerns, so far as to provide for national defence, the support of the national government, the execution of the laws of the Union, and an equitable commercial intercourse between the several states. Hence the state legislatures are relieved from the weightiest burdens of government, and left to give all their attention to the domestic and immediate interests of the people, whom they represent; and here their powers are plenary. Each state, for instance, may pass such laws, impose such taxes, and establish such regulations as it pleases, for the encouragement of education; it can build up seminaries of learning of the higher order, endow colleges, institute primary schools in every neighborhood, reward discoveries in science, or skill in the arts, or successful

efforts in any literary enterprise. 'From the very first settlement of America,' says Mr Everett, 'to the present day, the most prominent trait of our character has been to cherish and diffuse the means of education. The village schoolhouse, and the village church, are the monuments, which the American people have erected to their freedom; to read, and write, and think, are the licentious practices, which have characterised our democracy.' Internal improvements of every sort, also, come under the cognisance of the state legislatures. Within their respective territories they may intersect the whole country with canals, construct roads, build bridges, and grant corporate powers for all purposes of public utility. The same may be said of the encouragement of industry, agriculture, manufactures, useful inventions, and whatever pertains to the elegant or substantial arts of life. From these brief hints, it is obvious, that the *nature of our confederacy* supplies new and efficient motives to intellectual exertion, both in quickening the powers of mind itself, and in drawing out all its resources to devise and execute the best schemes for every species of improvement, for social happiness, permanent freedom, and a wise government.

The author replies very ingeniously to the common objection, that the effect of our institutions is to turn the talents of the country into the track of politics, and draw the sons of genius and ambition from the haunts of the Muses, to seek a more speedy eminence in the contests of the Forum. We accord but partially with his views on this subject. To us nothing seems clearer, than that there must necessarily be a great consumption, and even waste of talents, in carrying on a government organised on strict republican principles, and subdivided into numerous independent states. A distinct body of legislators must be selected from the people in each state, whether large or small, and when you add to these the multitude of persons required to fill the other numerous offices, which the machinery of a separate republic demands, you will find a very large amount of the intellect of the community absorbed in moving the wheels of government. The question is not, as to the advantages of this system, its superior facilities for diffusing political intelligence, and securing wise laws and a just administration, for on this point there can be no doubt;

yet the fact of its taking up a much larger portion of the mental power of the state to keep it in operation, than in governments established on less liberal principles, will not be denied. Add to this the frequency of elections, and the ever recurring opportunities for successful competition, and add still further the exciting, the almost irresistible motive, which impels aspiring minds into this political course, by reason of the certainty it holds out of a much more rapid advancement, than could possibly be attained in any other way ; take all these circumstances together, and you will have a combination of causes, which act with a strong and constant force, in beguiling the thoughts of the student from the less promising sphere of letters and science, to engage in the more active and more animating theatre of politics.

Nor are we talking about things in the abstract ; whoever will look abroad, and run over in his mind the cases within his own observation, will at once perceive the harmony between theory and facts. Where are our men of letters? Some honorable, some illustrious examples there are, but they are like the Oases in the African deserts, standing alone, and scattered at long intervals, amidst the wide wastes of our literature. But politicians meet us at every corner ; they come upon us in clouds and armies, like the locusts over the green fields of Arabia ; every town, every village, every hamlet has its phalanx of politicians ; the annual elections are so many rencounters, in which not only the competitors for office, but multitudes, who would be competitors, and other multitudes, who look impatiently to the day when they may venture such a hope, are warmly engaged. We breathe a political atmosphere, and our intellectual tone and temper must necessarily be affected, by this vital nourishment of our social system.

We agree with Professor Everett, that 'there is no ground for ascribing the political tendency of the talent and activity of this country, to any imagined incompatibility of popular institutions with the profound cultivation of letters.' That is to say, our popular system throws no positive obstacles in the way of hard students and great scholars, the devotees of science and enthusiasts in the arts ; it leaves them at liberty to pursue any favorite study, as far as their genius and industry will convey them ; neither the constitution nor the

laws oppose or discourage their progress. All this we grant, and at the same time are prepared to maintain the fact, that the tendency abovementioned exists, and to refer it to very simple and obvious causes in the nature of our system itself. We agree, moreover, with the author, that 'the first efforts of social men are of necessity political,' and that 'the administration of the government of a country is the first thing to be provided for.' It does not follow, however, that an extraordinary portion of the talent of a country needs be put in requisition to execute the task of government, or that the halls of learning need be deserted to fill up the halls of legislation. In an enlightened community like ours, there are hundreds of men as well qualified to be governors or legislators, as the actual incumbents of office, and thousands who can make a good law, where there is one that can write a good poem, or a profound course of lectures in any department of literature or science; and were it not for the current, which is continually hurrying the whole mass into the vortex of politics, this surplusage of talent might be employed to an infinitely greater profit to the country, in cultivating elegant letters, the useful sciences, or any other branches of attainment denominated intellectual, and which have a special tendency to improve the arts of life, and elevate the tone of society. It is a very just remark of Professor Everett, however, and encouraging as it is just, that the evil is a self correcting one. As our population increases, its employments will multiply, a taste and a demand for the results of literary labors will gradually gain upon us, ambition will find as ready rewards in this sphere as in politics, and the number of persons requisite for bearing up the weight of government will be proportionably smaller.

Another topic discussed by the author, in his usually animated and ingenious manner, is the probable effect, that our novel political organisation will have in modifying our literature. This is a theme chiefly of speculation, in which no trusty guides are to be found, except as they are supplied by the examples of other ages and countries; and here the analogy between our condition and theirs is so slight, that nothing solid or satisfactory can be deduced from the parallel. With the unlimited freedom of thought and inquiry, which we enjoy, and the equally unrestrained liberty of promulga-

ting and enforcing opinion, no doubt can be entertained, that new resources of mind will be brought out, new modes of intellectual communication devised, and that our literature will gradually assume an aspect and a character peculiar to itself, and bearing the impress of the circumstances under which it shall be developed and matured. But, in the language of Professor Everett, 'it is impossible to anticipate what garments our native muses will weave for themselves;' it is impossible to foretell the infinitely varied action of the mind and imagination on all the materials in the wide compass of nature, when stimulated by motives whose influence has never before been felt, and adapted to new political forms, and new habitudes of social intercourse. No more can be said or foreseen, than that the features of our literature will be strongly marked by these characteristics, but to what degree, or in what manner, time only can reveal. That the best auspices are opening upon us, there is every encouragement to believe.

It has been objected to free governments, that they do not afford suitable patronage to learning. In repelling this objection, the author takes a view of past times in the following language.

'The greatest efforts of human genius have been made, where the nearest approach to free institutions has taken place. There shone not forth one ray of intellectual light, to cheer the long and gloomy ages of the Memphian and Babylonian despots. Not a historian, not an orator, not a poet is heard of in their annals. When you ask, what was achieved by the generations of thinking beings, the millions of men, whose natural genius was as bright as that of the Greeks, nay, who forestalled the Greeks in the first invention of many of the arts, you are told that they built the pyramids of Memphis, the temples of Thebes, and the tower of Babylon, and carried Sesostris and Ninus upon their shoulders, from the West of Africa to the Indus. Mark the contrast in Greece. With the first emerging of that country into the light of political liberty, the poems of Homer appear. Some centuries of political misrule and literary darkness follow, and then the great constellation of their geniuses seems to rise at once. The stormy eloquence and the deep philosophy, the impassioned drama and the grave history, were all produced for the entertainment of that 'fierce democratie' of Athens. Here then the genial influence of liberty on letters is strongly put to the test. Athens was certainly a free state; free

to licentiousness, free to madness. The rich were arbitrarily pillaged to defray the expenses of the state, the great were banished to appease the envy of their rivals, the wise sacrificed to the fury of the populace. It was a state, in short, where liberty existed with most of the imperfections, which have led men to love and praise despotism. Still, however, it was for this lawless, merciless people, that the most chastised and accomplished literature, which the world has known, was produced. The philosophy of Plato was the attraction, which drew to a morning's walk in the olive gardens of the academy, the young men of this factious city. Those tumultuous assemblies of Athens, the very same, which rose in their wrath, and to a man, and clamored for the blood of Phocion, required to be addressed, not in the cheap extemporaneous rant of modern demagogues, but in the elaborate and thrice repeated orations of Demosthenes. No! the noble and elegant arts of Greece grew up in no Augustan age, enjoyed neither royal nor imperial patronage. Unknown before in the world, strangers on the Nile, and strangers on the Euphrates, they sprang at once into life in a region not unlike our own New England—iron bound, sterile, and free. The imperial astronomers of Chaldea went up almost to the stars in their observatories; but it was a Greek, who first foretold an eclipse, and measured the year. The nations of the East invented the alphabet, but not a line has reached us of profane literature, in any of their languages; and it is owing to the embalming power of Grecian genius, that the invention itself has been transmitted to the world. The Egyptian architects could erect structures, which after three thousand five hundred years are still standing, in their uncouth original majesty; but it was only on the barren soil of Attica, that the beautiful columns of the Parthenon and the Theseum could rest, which are standing also. With the decline of liberty in Greece, began the decline of all her letters and all her arts; though her tumultuous democracies were succeeded by liberal and accomplished princes. Compare the literature of the Alexandrian with that of the Periclean age; how cold, pedantic, and imitative! Compare, I will not say, the axes, the eggs, the altars, and the other frigid devices of the pensioned wits in the museum at Alexandria, but compare their best spirits with those of independent Greece; Callimachus with Pindar, Lycophron with Sophocles, Aristophanes of Byzantium with Aristotle, and Apollonius the Rhodian with Homer.' pp. 30—33.

The inferences to be deduced from these statements, do not seem to us well sustained; the rhetoric is much more flowing and beautiful, than the logic is convincing. Whatever the argument may prove on the favorable side, it disproves nothing on the other; that is, supposing it to appear from

this examination, that free institutions have been remarkable for quickening the growth of intellect, the contrary does not appear, that less liberal governments have failed to do the same. Take the position for granted, which we shall be the last to deny, that republics hold out infinitely higher motives to intellectual exertion, than any other system, yet our faith in this doctrine can be but little strengthened by the examples either of the old or modern democracies. What was the literature of Rome in her republican days? Where are the orators, poets, philosophers, historians, of the Swiss cantons, of Venice, of Genoa, of the United Provinces, and of other modern republics? A few native names adorn these countries, it is not denied, but they are hardly distinguished amidst the brighter blaze, which has burst forth from time to time in the surrounding monarchical governments. The master spirits, that have taken the reins of the world into their hands, and ruled the empire of mind and sentiment with a dominion scarcely less than despotic, have all risen up in monarchies, and never breathed the air of genuine liberty.

When we run back to the remote antiquity of the Chaldeans and Babylonians, we are launched on an ocean, which has no bounds. In that infancy of the human mind, we know not what was accomplished; the records of those times, if any existed, are swept away, and buried in the common wreck of human things. That the literature of a nation, before a written language was known, should disappear in the same gulf of oblivion, that swallowed up the nation itself, is not surprising. Tradition tells much of the intellectual progress of the Chaldeans, and the name of Zoroaster has descended to this day with a renown, that attaches to few of any age or country. The book of Job, that brilliant display of intellectual power, and of a lofty imagination, was written in the East before the age of Homer. China, even China, groaning under her iron despotism, has produced her philosopher, and one of the greatest, whom any country has ever produced. The wisdom of Confucius is still the guide to the opinions and conduct of millions of human beings, and it is probable that no one mind, which has been lighted up amidst the habitations of men, has sent abroad its influence to so great a number of other minds, as that of the great philosopher of China.

How much have we heard, too, of the mental advancement of the Hindoos, their numerous writings in theology, metaphysics, astronomy, grammar, music, their logicians, mathematicians, and poets. Sir William Jones, the best judge of this subject, that ever lived, speaks with raptures of some of these works, and says, that, in addition to many beautiful specimens of lighter poetry among the Hindoos, their epic is 'magnificent and sublime in the highest degree.' The Sanscrit language is represented as susceptible of a polished, elegant, and expressive style of composition, to which hardly any other language can aspire. And, moreover, is it not true, that the East was the fountain of knowledge to the West? The very laws, that gave a semblance of stability to the Athenian democracies, were gleaned from Egypt, and to Egypt they came from Chaldea and India. The laws of Solon, and the philosophy of Plato, were little else than transcripts of what they had borrowed from the wise men of other countries. The Persians and Arabians of later times are allowed, by adequate judges, to have excelled in a refined and vigorous literature, and the poems of Hafez, Sadi, and Ferdusi are cited, as illustrious examples of beautiful and finished compositions.

In regard to Homer, it would not be easy to give any other account of the form of government under which he lived, than what is found in his own writings. Nothing is known with any certainty about the republics of Greece, till after the beginning of the Olympiads, in the age of Lycurgus; and, for all that can be shown to the contrary, Linus and Orpheus, Hesiod and Homer, flourished under despotic governments. Indeed, this fact seems abundantly established by the whole tenor of Homer's poems. His description in the Odyssey of the governments of Phæacia, where his hero was shipwrecked, and of Ithaca, proves that these islands were ruled by kings, who had a council of nobles. Ulysses was himself a king. The following language of Ulysses to the Grecian forces, in the second book of the Iliad, breathes a spirit of royalty, with which even our modern despots of the Holy Alliance might well be satisfied.

> 'To one *sole monarch* Jove commits the sway,
> His are the laws, and him let all obey.'

It does not appear, that republican institutions had anything to do in forming the mind or taste of Homer; he might have written as good a poem, though with machinery, incidents, and imagery far different, in Egypt or India, as in the Isles of Greece; it was the intellect and not the place, the fire from heaven and not the fostering principles of any form of government, that called into life 'the gorgeous vision of the Iliad.'

It is nearly as difficult, with all the light that history sends out, to obtain a distinct notion of the Athenian government at any particular time, as it is that of the Grecian islands in the age of Homer. Plato called it an aristocracy with the consent of the people; but it was not unfrequently an aristocracy in defiance of the people; and then a democracy in defiance of the nobles, or archons; in other words a kind of half subdued anarchy. What was Athenian liberty in its best estate? Four hundred thousand slaves, who had no voice whatever in public concerns, and twenty thousand free citizens, constituted the Athenian people. It is idle to talk of freedom, where only one person in twenty can vote, and where nineteen twentieths of the whole population are in servitude. Themistocles endeavored to restore all the Athenians to equal privileges, but his project failed. Even the citizens, who were excused from labor in virtue of their freedom, became so indifferent to the public interests, that they deserted the assemblies, and on a motion of Pericles it was decreed, that each should receive three oboli for his attendance. In short, such a government, or rather such a series of governments, as prevailed at Athens, cannot be imagined to have afforded any peculiar inducements to intellectual cultivation, which have not been equally afforded in a thousand other instances, where the results have been totally different.

But the fact of the brilliant achievements in learning and the arts, at Athens, is before the eyes of the whole world. This we allow, and we consider it an anomaly in the history of nations and of the human mind. If it were to be ascribed wholly to the influence of political institutions, why should not the same have happened in the other republics of Greece, in Thebes, Corinth, Crete, Argos? The same advantages, the same language, climate, and features of character were common to all, as well as similar principles of government.

Madam de Stäel assigns two reasons why the Athenians engaged with so much eagerness in the study of the polite arts; first, their inherent love of admiration; and secondly, their contempt of other nations, whom they esteemed barbarians. By the first they were stimulated to great exertions, the spirit of emulation was quickened, the public taste was kept up to the standard of the best productions, and the people were brought gradually to discriminate with judgment, and admire with enthusiasm. By the second, they were induced to cultivate those arts, which raised them above their neighbors, by making them more enlightened, and giving them a rank possessed by no other people. It must be remembered, too, that, when the immense proportion of slaves is taken into the account, the number of competitors was very small, compared with what it would be in a country of general education and intelligence. The objects of comparison were few, each production was scrutinised with minuteness, competition was direct, and the fire of genius and the power of execution were carried to their extreme limits.

From these observations, connected with those quoted from Professor Everett, we would infer, that the history of past ages furnishes us with very slender grounds for assigning the origin and progress of extraordinary mental culture to any exclusive form of government. Great names have appeared under all forms, and, if we except Greece, the literature and knowledge of nearly the whole world, have been the fruit of monarchies, and sometimes of cheerless, withering despotisms. This is merely a question of history, however, and in no manner militates against the sound doctrine, that republics, well organised and well administered, are the truest encouragers of letters and the arts. Liberty is the life of enterprise; it is the strongest incitement to vigorous thought and vigorous action; and it is not to be doubted, that the spirit of liberty added a powerful, an unconquerable impulse to the great minds produced in the republics of Greece. But it did not do all; the intellect to be moved must first exist; Greece was glorious in the constellation of astonishing minds, which by the favor of Providence shone upon that country; the same cluster would have been conspicuous in any other age or region; perhaps

not in the same degree, but sufficiently so to have made them the wonder of all future time. Let them have come upon this orb, where accident might have thrown them, they would have formed governments for themselves, created a literature, reared monuments of art, and left behind them trophies of genius and skill for the nations to gaze at and revere, to imitate, but never to surpass.

We have not room to accompany the author in his remarks on another subject of great interest, to which his attention is directed, namely, the probable effect, which will be produced by a community of language on our intellectual exertions and character. He is decidedly of opinion, that it will be favorable, and that it opens prospects on our rising literature never enjoyed by any other nation. 'Instead of that multiplicity of dialect,' he observes, 'by which mental communication and sympathy are cut off in the old world, a continually expanding realm is opened and opening to the American intellect, in the community of our language, throughout the wide spread settlements of this continent. The enginery of the press will here, for the first time, be brought to bear, with all its mighty power, on the minds and hearts of men, in exchanging intelligence, and circulating opinions, unchecked by diversity of language, over an empire more extensive than the whole of Europe.' This subject, we apprehend, must be regarded in two aspects; first, as it concerns those branches of attainment, which may be classed under the denomination of knowledge; and secondly, as pertaining to the imagination and taste. All facts in science, history, philosophy, expositions of opinion, direct moral and religious precepts, principles of politics and law, everything properly called information, will be more widely diffused, more thoroughly inculcated, and better understood through the medium of a common language, than can possibly be done by several tongues. This is too plain to need illustration. But in works of the imagination, that description of works, which have been the chief instruments in refining the taste, and raising the tone of moral feeling, in polishing the manners of society, and softening the asperities of the human character, we presume the case is not so clear. Every nation, either from climate, or a thousand other local causes, has many, and frequently striking peculiarities, from which

the habits of thought take their coloring. The images painted by nature on the fancy, and the combinations into which these are wrought by the mind, are extremely different in one country, from those of another ; and to describe these truly and forcibly, there must be modes of expression and forms of language equally varied and peculiar.

Hence a diversity of tongues, as well written as spoken, is absolutely necessary for a full development and communication of thought. This is moreover obvious from the difficulty, nay the impossibility, which every scholar feels, of transfusing the spirit and meaning of the great works of genius into any other language, than that in which they were originally conceived and written ; and the truth of Madam de Stäel's remark, that the literature of a foreign tongue cannot be fully comprehended, is established in the same principles. Why can it not be comprehended ? Either because it contains descriptions of natural scenery and social habitudes, not common where any other language is spoken, or delicate shades of thought, beauty of imagery, and combinations of ideas, of which no other language is susceptible. Now, although it be admitted, that these cannot be so clearly understood and deeply felt by a foreigner as a native, it will not be denied, nevertheless, that they may be so far understood, as to unfold innumerable beauties, and elicit innumerable thoughts, which cannot be derived from any one tongue, whatever may be its copiousness, its versatility, or its strength. In the south of Asia, where nature is alternately clothed in a verdant and glowing vesture, and covered with arid deserts, and where the pleasures of life are sought in luxury and indolence, the train of thought and the revelries of the imagination will be totally different from those of the northern regions of Europe, where a cold climate and sterile soil stamp their stern features on the mental and physical constitution of man. What could have been more remote from the conceptions of the bards of Scandinavia, than the soft, voluptuous, and mellifluent strains of Hafez ? Yet they were both true to nature. The songs that were sung in the halls of Odin could never have been chaunted in the groves of Persia ; no one language could be so formed, as to draw out with equal vividness the imagery, or call up the associations, peculiar to both these regions. How could an

Icelandic poet describe the citron groves, the perfumed atmosphere, the bloom of flowers, the mid day heats, and cool evening breezes of Arabia the Happy? And how can he have a language to express, what he has not power to conceive?

Suppose it possible, that there could have been but one language in the world, and take for this example the Greek. What consequence would have followed? In the first place, had it spread over the earth, the necessity of new names of things in one country not found in others, and of new forms of expression to communicate new combinations of thought, would soon have brought to pass a multiplicity of dialects, that would virtually have become so many distinct languages. Again, let it be granted, that the language would have retained its purity, what effect must it have had on the literature of the world? This would never have risen above a successful imitation of the first great writers. Who would have attempted another epic in Greek after the Iliad, or ventured to compose a tragedy after Sophocles and Euripides? None but secondary minds, ignorant of their own resources, or whose highest ambition would be to imitate what they could never hope to equal. But let the muses be invoked in another tongue, let the contest be carried on in a language in which so close a comparison with the original models cannot be made, and you behold Virgils, and Dantes, and Miltons, and Shakspeares, eager to seize the harp, which even the great epic bard and the Athenian dramatists had laid down, and strike its chords with notes as bold, and loud, and strong, as they yielded to the hands by which they were first tuned to harmony and power.

A similar, or a worse result would ensue, if you assume any other language as the universal one. The brilliant successes of the first in the lists would discourage future efforts; the field of splendid action would become preoccupied, and the materials for genius to work upon exhausted. Greater obstacles still would be presented, in the incompatibleness of any given language to express the thoughts and delineate the manners of different nations. Who can imagine Shakspeare writing in French, or Cervantes in Italian, or Metastasio in German? Suppose the scholars of the twelfth century had possessed sufficient influence to carry their common tongue,

the Latin of that day, into general use, and make it the vehicle of communication for all future writers; and let us imagine for one moment the Paradise Lost, Hamlet and Macbeth, Don Quixote, and the Divina Commedia, clothed in the dialect of the Angelic Doctor, and Duns Scotus. In referring to our own case, it is true, we need not go to this extreme, but the principle holds good in all cases. We have a language as copious and pliable, probably, as any one of the modern languages, and yet it wants the majesty of the Spanish, the vivacity of the French, the sweetness of the Italian, and the varied compounds of the German. Some things it expresses better than any other, and many things not so well. It is the product of a foreign soil, and notwithstanding it is transplanted into a region, where there is no danger, that its native vigor will decay, or beauty be marred, yet it cannot in the nature of things supply those strong motives to intellectual exertion, which it would, if it were growing up with our growth, and receiving on its very front the deep marks of our national character and peculiarities. The mind of America will never be idle; its highest powers will have full scope in the ample fields of knowledge here presented for inquiry, investigation, and discovery, and in witnessing and aiding the progress of free institutions, founded on a basis as firm as the pillars of reason and truth, and under auspices as propitious as the smiles of heaven. But we do fear, that our literature, the literature of the imagination and the heart, will be cramped by the language, which is prescribed as the measure of its stature and its strength, that it will creep too servilely in the track, which thousands have trod, and be too long a slave to foreign models and foreign caprice.

Professor Everett's recapitulatory remarks, and closing reflections, are uttered in a style of uncommon brilliancy and richness; they inculcate lofty and animating sentiments, and constitute altogether a rare specimen of eloquence and fine writing. We should be more free in adorning our pages with extracts from this, as well as from other parts of his performance, were not the whole already familiar to much the larger portion of our readers.

We have space left to say but a word on the Oration at Plymouth. In many respects we consider this a more fin-

ished work than the other, and built on sounder principles; its political bearings are broad and comprehensive, and for the most part solid, judicious, and practical. The author traces with much felicity of narration, and with strictly philosophical views, the history of the pilgrims, and the impelling causes, which drove them from their native island to the continent, and at length to the bleak and sterile shores of New England. He draws a lively picture of the obstacles they encountered and the hardships they endured, their early labors and gradual success, the stern virtues of their character, and the perils they braved to shake off the chains of persecution, and secure the blessings of freedom to themselves and their posterity forever.

The faults common to both these discourses are a too great tendency in the writer to generalise and speculate, and an occasional looseness of style. We grant that in performances of this nature, intended mainly for popular effect at the time of delivering them, great latitude is allowable in both these respects, but still there is a limit, which it is not wise to overleap. We can foretell an eclipse, and predict the return of a comet, but what will be the destiny of a great nation under any form of government, or what direction the human mind will take three centuries hence, are things of which we know very little, and can say very little with exactness. It is easy to speculate and build up beautiful theories on these subjects, because the imagination is left to play its own whimseys, without check or guidance. In the oration at Cambridge are several speculations, which seem to us fanciful, and too far pursued; several anticipations that we have no hope will be realised; several ingeniously and highly wrought pictures, of which we fear the archetypes will never exist.

But after all, these two discourses are a rich acquisition to the stock of American literature; they are imposing monuments of the author's genius and learning, and they prove him to have examined, with a scrutinising and philosophical mind, not only the history of past ages, but the spirit of the present, and particularly the structure and principles of our own free institutions.

Art. IX.—CRITICAL NOTICES.

1.—*Colombia, its Present State, in Respect of Climate, Soil, Productions, Population, Government, Commerce, Revenue, Manufactures, Arts, Literature, Manners, Education, and Inducements to Emigration.* By Colonel Francis Hall, Hydrographer in the Service of Colombia. 12mo. pp. 131. Philadelphia.

The author of this volume is favorably known among us, by his book of travels in Canada and the United States, written some seven or eight years ago. He there showed himself a man of inquiry and observation, a writer of good taste and judgment, and a sprightly narrator of such events as came under his notice. The title to the present work promises more than is performed, but we nevertheless have much that is new and valuable concerning a country, which is every day gaining an honorable rank among the nations, and settling down under free, practical, and permanent institutions. The late successes in Peru, which, to be sure, were to have been anticipated, may be considered not less auspicious to Colombia, than to the liberties of Peru itself. The military operations, by which these successes have been gained, are among the strongest proofs that could be given of the stability of the Colombian government, the resources of the country, and the readiness of the people to make all due sacrifices to maintain the rights, and secure the freedom, which they have fought so bravely during the last fifteen years to establish. There is now much good hope, that all embarrassments, whether of a pecuniary nature, or resulting from the difficulty of organising a new government under many disadvantages, will speedily be overcome, and that the Republic will gradually acquire solidity and strength beyond the power of accident, or any combination of circumstances to move.

Colonel Hall begins his Sketch with a geographical outline of Colombia, and remarks briefly on the climate, soil, and productions. He speaks with freedom of the government, and points out its defects in theory and practice. The impressions he leaves are not very encouraging; many evils exist, which had become rooted in the character and manners of the people, during the long ages in which they were borne down by the yoke of Spanish tyranny; absurd laws and practices had grown into use, which it is difficult to abolish; the *central system* is not the best calculated to secure a prompt obedience to the orders of the supreme ruling power, nor to impress on subordinate officers a sense of their re-

sponsibility ; the electoral organisation is imperfect, and the judicial administration is hampered by the old legal forms. Some of these difficulties grow out of the very necessity of the case, and others betray a want of experience, if not of wisdom, in the legislative and executive departments. Springing from these sources, their natural tendency will be to correct themselves.

No favorable picture is given of the administration of justice. 'The civil and criminal codes,' observes the author, 'are little more than a collection of superstitions and abuses, under the names of Laws of Castile, Royal Ordinances, Laws of the Indies, and various other compilations of Spanish decrees, and colonial regulations, from which, to the vexation of the suitor, and benefit of the lawyer, contradictory decisions may be extracted on every possible point of litigation. This evil is felt and acknowledged by the government; it has been proposed to introduce the new Spanish criminal code. Trial by jury is happily established in cases of libel, and the legislature has declared in favor of introducing it generally, in all cases to which it is applicable.' p. 26.

Under the old colonial system, it is well known, that various distinctions existed between the European Spaniards, Creoles, Indians, negroes, and mixed castes, and that all but the first labored under many disabilities. These distinctions are now done away by the laws of the nation ; every free native inhabitant is a citizen, possessing equal rights and privileges, whatever may be the shade of his skin, or the chronicle of his ancestry. 'The justice of this policy,' says Colonel Hall, 'has been rewarded by the exertions of the people of color, in aid of the independence of the country, of which they have been the firmest supporters, and Colombia reckons among her best and bravest officers, men, whom Spanish pride and tyranny deemed unworthy to sit at a white man's table.' On the 21st of July, 1821, a law was passed for abolishing slavery, and proper measures adopted for carrying it into effect. No slaves can be imported or exported, and a tax is levied for a gradual manumission of those now in the country. The children of slaves, born since the above date, are free, the owners of their parents being entitled to their services till the age of eighteen, as a compensation for their maintenance.

The author complains of the narrow policy, which the government seems inclined to follow, in regard to the regulations of commerce. Restraints and discouragements are thrown in the way of foreign merchants, whereas nothing is more plain, under present circumstances, than the wisdom of inducing as many to settle there, with their enterprise and their capital, as may be tempted to do it, by reasonable prospects of an entire security of their property, and a fair competition in trade. Some of the laws, and the general tone of feeling bear strong marks of the old jealousy of foreigners,

which existed in the colonies, and which must be rooted out, before the republic can reap the immense advantages of an unshackled trade, and a free intercourse with all other countries.

The latter half of Colonel Hall's work is devoted to the subject of emigration to Colombia. He describes the advantages to be expected by emigrants, the character of the inhabitants as affecting their condition and success, the best modes of emigrating, and the preparations necessary for the undertaking. He also gives directions as to the choice of place, and recounts the difficulties to be apprehended, arising from difference of language, customs, and religion. These points are treated with brevity, but with much good sense, and in a manner which proves the writer to have been well informed on the topics he discusses. The extract here subjoined, touches on a subject, which will be likely one day to produce a deep sensation in all the South American republics.

'The matter of *Religion* requires more consideration. A law was published, dated August 22nd, 1821, to abolish the Inquisition, and restore to the ecclesiastical courts jurisdiction in matters of religion, according to the canons and customs of the Roman Catholic church; the 3d article of this law says; 'Juridical proceedings in such cases (in matters of faith) shall take place only with respect to Roman Catholics born in Colombia, their children, and those who, having come from other countries, shall have enrolled themselves in the parish registers of the Catholics; *but not with respect to strangers, who may come to establish themselves temporarily or permanently, nor with their descendants; who can in no manner be molested on account of their belief, though they ought to respect the Roman Catholic worship and religion.*

'That *Toleration* is here established, as to the creed of foreigners, there can be no doubt, but it is not equally clear, that this toleration includes the liberty openly to profess and celebrate the rites of their respective forms of worship; in such a case the law would require *interpretation*, and in what spirit would the interpretation be made? As far as respects the opinions of the individuals who compose the government, and, generally, of all the enlightened men throughout the country, there is little doubt it would be favorable, but the interference of the clergy must in such a case be reckoned on; nor can it be denied, that the government, perhaps from an exaggerated calculation of clerical influence, has manifested a disposition to humor the prejudice of this body, which may render it a problematical question, how far the liberality of its private opinions might control its public conduct. The clergy, on the other hand, are no strangers to the contempt in which their doctrines are held by the enlightened part of the community; but, as long as this inward feeling is accompanied by no overt act of secession, they console themselves with the influence

they possess over the ignorant majority, and the knowledge that this influence must ensure them the consideration of the government. The toleration of a *rival church* would, however, prove a very different affair; here is not only division of opinion, but threatened division of pelf and power, and the resistance to such innovation would, doubtless, be proportioned to the interests jeopardised. Travellers have noticed the apparent liberality of the South American clergy towards strangers of a different creed, but their bigotry in such cases is only sleeping, because unprovoked; a solitary Protestant traveller may be an object of curiosity, but not of dread or suspicion. Not so, when individuals of the same persuasion appear in hundreds or thousands. The abuse of heretics has long been the favorite theme in the pulpits of Caracas, and this city has been repeatedly threatened with a second earthquake, in judgment of such abominations. Without pretending to foretell what course would be followed by the government, or sanctioned by public opinion, when a case of toleration, in the full sense of the word, practically occurs, we may observe, that if Colombia pretends to tread in the steps of the United States, and to grow powerful by the admission of foreigners into her bosom, some change in her religious system, either legally sanctioned, or conventionally allowed, must eventually take place. The ecclesiastical regulations, which at present interdict marriages betwixt Roman Catholics and heretics, are, of themselves, a barrier against the amalgamation of foreigners with the existing population, and exemplify the impossibility of combining religious intolerance with a liberal form of civil government.' pp. 94—97.

The volume closes with a series of itineraries very useful to the traveller, specifying the distances of places on some of the principal roads, with remarks on the aspect of the country through which they pass.

2.—*Seven Lectures on Female Education, inscribed to Mrs Garnett's Pupils, at Elm Wood, Essex County, Virginia, by their very sincere Friend,* James M. Garnett. Second Edition. 18mo. pp. 261. Richmond, T. W. White. 1824.

If the approbation of distinguished names be considered a proof of the merits of a book, these Lectures have no ordinary claims to the notice of the public. We insert the following extract of a letter from Chief Justice Marshall, as well on account of the opinion he gives of this work, as of the sentiments he expresses in regard to the influence of the female character on society.

'I read the first edition,' says Judge Marshall, 'when first published, and was so well pleased with it, as to place it in the

hands of several of my young friends, for whose improvement I was particularly solicitous. The subject is, in my opinion, of the deepest interest. I have always believed, that national character, as well as happiness, depends more on the female part of society, than is generally imagined. Precepts from the lips of a beloved mother, inculcated in the amiable, graceful, and affectionate manner, which belongs to the parent and the sex, sink deep in the heart, and make an impression which is seldom entirely effaced. These impressions have an influence on character, which may contribute greatly to the happiness or misery, the eminence or insignificancy, of the individual.

'If the agency of the mother in forming the character of her children is, in truth, so considerable as I think it, if she does so much towards making her son what she would wish him to be, and her daughter to resemble herself, how essential is it, that she should be fitted for the beneficial performance of these important duties. To accomplish this beneficial purpose, is the object of Mr Garnett's Lectures, and he has done much towards its attainment. His precepts appear to be drawn from deep and accurate observation of human life and manners, and to be admirably well calculated to improve the understanding and the heart. They form a sure and safe foundation for female character, and contain rules of conduct, which cannot be too well considered, or too generally applied.'

We have also the testimony of Bishop Moore, that this work 'points out to females the high road to character and distinction;' and of his Excellency, De Witt Clinton, that 'in reference to diction or sentiment, to manner or matter, it is a production of extraordinary merit, and ought to be generally diffused.' To us there seems a little extravagance in these terms of commendation, though we have been pleased with the perusal of the Lectures, and think they possess qualities, which will render them attractive and useful to many readers. The author treats his subject under the following heads. 1. The moral and religious obligations to a right improvement of time. 2. The best means of improvement. 3. Temper and deportment. 4. Foibles, faults, and vices. 5. Manners, accomplishments, fashions, and conversation. 6. Associates, friends, and connexions. Under these topics is made to be embraced the whole compass of female education, duty, and character; and, in discussing some of them, the author discovers no inconsiderable knowledge of the human heart, the workings of the passions and affections, and the moving principles of society. One of the best traits of his performance is the excellent tone of ingenuous and charitable feeling, which pervades it, and the strict-

ly moral and religious tendency of all his precepts and reflections. The style is not remarkable for precision, or elegance of phraseology, but it is animated, perspicuous, and forcible.

3.—*A General Outline of the United States of North America, her Resources and Prospects, with a Statistical Comparison, shewing at one View the Advance she has made in National Opulence in the Period of Thirty Years. Also, a Collection of other interesting Facts; and some Hints as to Political, Physical, and Moral Causes; including the Refutation of a Theory advanced with Respect to this Country by a London Writer, on the State of the British Nation. Being the Result of Letters addressed from Philadelphia, 1823, to a Friend in England; and some Additional Matter, Illustrated with Engravings, &c. &c.* 8vo. pp. 238. Philadelphia. 1825.

A SPACIOUS margin, numerous blank pages, a large type widely spaced, beautiful white paper, and a titlepage of such ominous length, that our patience failed us before we could transcribe it to the end,—these are the external attractions of this Outline of the United States, so called, which in an evil hour has fallen into our hands. We say evil hour, because no task can give us less pleasure, than to censure the labors of any writer, who has the industry and enterprise to make a book illustrating the resources, condition, and prospects of this country. But really our stock of forbearance is not enough, to enable us to pass over in silence so poor an attempt at book making, as we have in this specimen, and especially on a subject, which ought to be treated with minuteness, dignity, and compass, or not at all. Our disappointment, at finding the promise of the titlepage so indifferently fulfilled, may perhaps have blinded our eyes to such merits as the work actually possesses, but we have looked it through, and candidly confess, that we have discovered nothing in it, which may not be found in the common repositories of information, or which would seem to require the trouble of recompiling, or any additional expense of ink and paper to set it in a proper light before the public.

But let us go a little into the book itself, that we may show on what grounds our opinion has been made up. We are presented with an 'outline of the United States of North America, HER Resources and Prospects.' Where did the author learn his grammar, or by what figure of rhetoric does he represent these United States under the similitude of a single person, and this a female? Again, he proceeds to a 'Statistical comparison, showing at one view, the

advance SHE, (that is, SHE, these United States,) has made in National opulence, in the period of thirty years.' Now, as to the resources and prospects of this country, we have searched the book in vain for any direct light on these important subjects. Speculations, or whatever else they may be called, we have in abundance, with one or two samples of which we will favor our readers. The author has stated, that 'some striking difference in our lot, physical or moral, is obvious, on every comparison that can be made,' and after drawing several comparisons, he adds the following.

'Free, therefore, *without* and *within*, (that is, the nation,) so to express it, exempt from any entanglements constraining the nation in her measures regarding external relations; at home, exempt alike from the restraints of *privilege*, as well in all the routine of govermental *(govermental?)* regulations and measures for the public weal, as in the several vocations or pursuits of individuals, which have not been encumbered, for instance, with either corporation claims or compulsory apprenticeships;—in a word, liberty in the nation, both collectively and individually, to pursue on equitable ground her own undeviating course; and that liberty connected with a command over nearly the whole amount of her periodical revenues, applicable consequently to her advancement,—these are traits, which are not found in the circumstances of other nations.' p. 28.

The meaning of this paragraph we leave to our readers to decipher, and proceed to select for them another.

'I say then, if these last positions, which, though I have stated them hypothetically, will probably be as little disputed as those which precede, be granted, it must, I conceive, likewise be granted, that the United States departs (depart) still more widely, that is to say, considered as a nation in the vigor of youth, from the precise line of analogy, or similarity of circumstance with other nations, ancient or modern; and, therefore, that *her* (HER, the United States,) prospective career is not to be measured in idea by any series of events, which have ever happened hitherto to them. In the speculation before us, we dismiss the ancient guide, and start with a new one. It is the act of comparing America with America herself; from the recent past, to infer the proximate future. Which, with the discretionary allowances always understood, will, I trust, prove a safe conductor, and lead to what time shall unfold to be the truth.' p. 31.

One more passage, in which the author sums up his labors, must suffice.

'In the review I have taken, my business has rather been with the physical, moral, and intellectual capabilities of this great coun try, and with our national institutions taken in the aggregate; assuming for truth, the general excellence of the latter, in virtue o.

experience had, down to the present day, of their effects; also the probable stability of the same as to essential outline and feature, in virtue of a matter-of-fact or two, which, relative to that topic, I have stated. And, in thus treating the great subject, I have exerted my *puisné* strength in attempting to raise and cast aside a *corner* of the veil, which would seem as shrouding a MAGNIFICENT FUTURE.' pp. 98, 99.

These extracts will serve as specimens of the author's style, and his method of considering the prospects of America, by 'inferring from the recent past the proximate future.'

As for his 'statistical comparison,' showing our advance in national opulence for thirty years, it consists in a meagre selection of results, taken from the proper authorities, exhibiting the state of our commerce, navy, post roads, and population, in the years 1792 and 1821, all of which, and much more, may be seen at a single glance in Pitkin or Seybert.

We are next told of a 'collection of other interesting facts.' These we have not been able to discover, except in a few pages devoted to the canals, and facilities for the internal navigation of the country. Had this part of the volume been printed separately in a suitable form and type, accompanied by Mr Tanner's valuable map illustrating the subject, it would have been a praiseworthy undertaking. The matter, which now occupies thirty open pages, should have been brought into fifteen.

The work is closed with an entire reprint of the President's last message to Congress, extending to thirtyfive pages; and an Index, spread over twenty pages, which might with perfect ease, and much greater convenience to the reader, have been compressed into three.

4.—*Collections of the Newhampshire Historical Society, for the Year* 1824. Vol. I. 8vo. pp. 336. Concord. J. B. Moore.

THE Historical Society of Newhampshire was formed on the 20th of May, 1823, and regularly organised by an act of the legislature of the state, on the 13th of June following. Its plan is nearly the same as that of the other historical societies of New England, it being designed to collect and publish ancient manuscript documents, and such printed papers, as have become rare and difficult to be obtained, but which, nevertheless, contain interesting and important facts, which it is desirable to transmit to posterity. Among the most valuable parts of this volume, is a republication of Penhallow's History of the Indian Wars, with Dr Colman's Preface. This curious work, which gives much information on

the character of the Indians, and their modes of warfare, has become extremely rare, and is now very judiciously republished. It is accompanied with illustrative notes by the editors, and followed by a letter from Penhallow to Cotton Mather. Among numerous other papers, we have Mr Moore's Historical Sketch of Concord; a letter from Oliver Cromwell to the Rev. John Cotton; and original letters relating to Dr Belknap's History of Newhampshire.

From these letters it would seem, that authors were not better encouraged, to say the least, thirtyfour years ago, than they are now. On the 17th of February, 1791, the legislature of Newhampshire, in a fit of extraordinary generosity, 'voted that the Rev. Jeremy Belknap have and receive out of the treasury of this state *fifty pounds*, as an encouragement for his laudable undertaking of compiling and perfecting a history of this state.' The following is an extract of a reply sent by Dr Belknap to the Honorable Nathaniel Peabody, who had communicated to him the vote of the legislature. After expressing his thanks for this grant, he adds, 'You will excuse my saying I cannot view it as "a recompense," when you consider my attention and labor for more than eighteen years past in collecting, compiling, digesting and copying the history, together with the expense and risk, which I have incurred. The expense of publishing the first volume was upwards of 250 pounds, and I expect that these which I have in hand will cost 400 pounds; the payment of which, excepting what the Assembly have granted, will depend on the sale of the books. The paper, printing, engraving, and binding, besides incidental charges, must absolutely be paid for by the author; for I cannot find, that the tradesmen concerned will risk anything.' Such are the rewards of authors, and such the bounty of patronage,—*fifty pounds* granted by a state legislature, for eighteen years' waste of strength, and talents, and spirits, in searching after forgotten documents, and writing a history to perpetuate all that is most worthy of being remembered in the deeds of those, who first settled that state by their courage, and of those who afterwards adorned it by their wisdom and virtues!

We have only one hint to suggest to the committee of publication of the Historical Society, which is, that a good deal of interest would be added to the articles they publish, if each were accompanied by a few remarks on its origin, the mode in which it has been preserved and obtained, or any other collateral facts of history bearing on the point.

5.—*A New Spanish Grammar, adapted to every Class of Learners.* By Mariano Cubi y Soler. Second Edition. Revised, corrected, enlarged, and greatly improved. 12mo. pp. 464. F. Lucas, Jr. Baltimore. 1825.

Next to our own language, the Spanish will be likely at a future day to become the most important in this country. The new theatre of enterprise, which is opening to the whole world in the vast extent of the South American republics, and the intimate intercourse, which, from proximity of situation, and similar principles of government, must necessarily grow up between those republics and the United States, will make the language a desirable, if not an essential acquisition to our men of business, as well as to scholars and politicians. Hence any judicious efforts, to facilitate the means of learning the Spanish, will hardly fail to be well received by the public. Mr Sales, the experienced instructer of French and Spanish at Harvard University, has translated from the French Josse's Grammar of the Spanish Language, with valuable additions and illustrations of his own, adapting it to the English student. This work, together with the Exercises, also translated from Josse, Mr Sales has used with great success in bringing his own pupils to a quick and accurate knowledge of the language, and it may doubtless be considered as possessing all the essential requisites of a good grammar.

Without pretending to institute a comparison between this work, and that of Mr Cubi now under notice, we may be permitted to express our high approbation of the latter, as showing much ability in the author, both in regard to the methodical arrangement of his materials, and the clear expositions he has given of the principles and difficulties in the grammatical construction of the language. We have compared the two editions, and think the second in some important respects an improvement on the first. His views are well explained in the preface, from which it is evident, that he has studied the subject with care, and gained much practical knowledge from experience. In the full conjugations and copious list of irregular verbs, and in the illustration of all the rules of syntax by explanations, remarks, and well chosen examples, this grammar is decidedly superior to any we have seen. This we deem particularly worthy of notice, because the success of the learner in studying Spanish, as perhaps almost every other language, depends very much on the readiness with which he may become acquainted with the verbs and syntax. That terrible *crux* to all beginners, the different uses of the verbs *ser* and *estar*, the author has labored with earnestness and ingenuity to remove. He has explained the difficulty with as much clearness, probably, as the nature of the subject will admit. Practice only can make nice distinctions familiar.

Mr Cubi has published in this country a small Spanish Dictionary, compiled from the best authorities, designed as a manual for learners; and also selections from classical Spanish writers. Within the last year he has published a grammar in Spanish, intended chiefly for the South American market. To a gentleman of his talents, zeal, and industry, we cannot but wish a success, proportioned to his ardor and exertions in making known in the United States the language and literature of his native country.

By a note contained in Mr Cubi's preface, we may be encouraged to hope, that the public will soon be favored with the means of a much more perfect acquaintance with Spanish Literature, than it has hitherto possessed. We give the author's words.

'A course of Lectures, on the History and Criticism of Spanish Literature, has been written by Professor George Ticknor, of Boston. This is certainly the production of much taste and labor. Although it has not yet been published, we have had the pleasure of perusing it; and we do not hesitate to pronounce this work, for plan and execution, the best of the kind, that has yet appeared. The perfect acquaintance, which this gentleman possesses with the Spanish language, the access which he has to the best editions of the many works he mentions, and his indefatigable industry in the pursuit of literary and scientific knowledge, have rendered him so completely master of the subject he handles, that his production may be considered an invaluable acquisition, and entitled to the thanks of every friend of literature and science.'

A very full Syllabus of the Lectures here mentioned has been printed, occupying an octavo pamphlet of eightyfour pages, prepared chiefly we believe for the use of the classes in the University at Cambridge, for whom the lectures were specially written. This syllabus justifies in its fullest extent the spirit of Mr Cubi's commendatory notice. In an advertisement, Professor Ticknor states, that the whole number of lectures is about thirtyfour, and that together they will make two printed octavo volumes. The whole course, as laid down in the syllabus, is divided into three Epochs, each of which is subdivided into other appropriate heads. A general outline is here presented.

EPOCH FIRST.

[From about 1155 to about 1555.]

The literature that existed in Spain between the first appearance of the present written language, and the close of the reign of the Emperor Charles Fifth; or the period that contains the elements, from which the best literature of the country was afterwards produced.

First Division. That portion of the literature of the first epoch, which was essentially untouched by the influence of any foreign literature.

Second Division. Two schools of literature, marked with foreign influences existed during this epoch.

1. Provençal School
2. Italian School.

EPOCH SECOND.

[From about 1555 to about 1700.]

The literature, that existed in Spain, between the death of the Emperor Charles Fifth, and the accession of the Bourbon family; or the period that comprehends the best literature of the country.

First Division. The principal authors, who gave the leading impulse to this epoch.

Second Division. The contemporaries and successors of these leading masters, who in the same, and other departments of Spanish literature, sustained its character down to about the extinction of the Austrian Family, in 1700, arranged according to the species of writing in which they were distinguished.

1. Epic Poetry.
2. Drama.
3. Lyric Poetry.
4. Satirical Poetry.
5. Didactic Poetry.
6. Bucolic Poetry.
7. Ballads.
8. Romantic Fiction.
9. Eloquence.
10. Epistolary Correspondence.
11. History.
12. Didactic Prose.

EPOCH THIRD.

[From about 1700 to the present time.]

The literature, that has existed in Spain, since the accession of the Bourbons.

This epoch is divided in the order of the Spanish kings, from Philip Fifth to Ferdinand Seventh.

This outline is too general to give any idea of the execution of the work, but it is enough to show the vast compass of the author's undertaking. The Syllabus is minute, and contains hints, we believe, on nearly every author's works, and every subject upon which the lecturer touches, with copious references to the best sources of information.

6.—*An Address pronounced at the Opening of the New York Athenæum, December* 14, 1824. By Henry Wheaton. 8vo. pp. 44. New York. C. Wiley.

As a suitable subject on which to address an association formed exclusively for literary purposes, for the diffusion of knowledge and the improvement of taste and intellect, Mr Wheaton in this discourse has taken a rapid view of what has already been accomplished by the American mind, and made some reflections on what may reasonably be hoped to be achieved hereafter. He shows the difficulties we have had to surmount in overcoming the first great obstacles to the cultivation of letters; we had a wilderness to subdue, personal safety to look after, cruel Indian wars to carry on, wants to provide for, political rights to secure and maintain, and at last the struggle of the revolution, and the hard fought contest for our independence. These were the absorbing occupations in which the lives, and thoughts, and hearts of all were engaged; and amidst this series of sufferings and dangers, of privations and labors, to which we were subjected from the very circumstances of our condition, it could not be expected that much room would be left for the mere embellishments of life, for literature and the arts, for the culture of mind and the sports of the imagination. These topics Mr Wheaton touches with discrimination. He makes it appear, however, that a great and rapid change has taken place since our political organisation has been established, and liberty and security have become the birthright of every citizen. The fruits of this change are already obvious, and its causes are growing stronger and more active every day. Our literary progress during the last few years, compared with what it was at any former period, has been not less remarkable, than the happy success of our political experiment, and free institutions.

'Among the causes,' says Mr Wheaton, 'which have hitherto impeded the cultivation of letters in the United States, may probably be enumerated the want of a national language and literature peculiar to ourselves, and the consequent servitude to foreign models. But this will hardly be considered as a sufficient apology for our past literary deficiencies, when we consider that our fathers spoke and wrote the noble dialect of England, not as a foreign language, but as their own native idiom; that they broke off from the parent stem, after that idiom had been perfected by the pens of Shakspeare, and Milton, and Taylor, and Clarendon; that their descendants have constantly been supplied with the standard productions of the British press, and have never been strangers to the real or supposed improvements, which each successive age has wrought in English diction. During all this lapse of time, the

genial soil of England has never ceased to bear fruits and flowers worthy of the spring time of her literature, though often suppressed in their growth by foreign and false modes of culture. Our countrymen were therefore, in this respect, placed upon an equal footing with their British brethren. Originality of language is immaterial to the success of literary enterprise. The language of the mind is to be found in its own vigorous, overpowering thoughts and emotions. It matters not in what dialect they are poured forth. The forms of diction used by different nations, who write the same language, are no more necessarily alike, than those of different individuals; nor is the imitation of the classical models of English style more likely to have an unfavorable influence upon an American, than a British writer—upon a Franklin or a Frisbie, than upon a Burke or a Johnson. It is the faculty of true genius to assimilate with itself, and incorporate into its own intellectual nature, the elements produced by other minds. Thus the poetical powers of Dante and Milton were nourished, and sustained, and strengthened, by the ambrosial food of Virgil and Homer. In highly gifted and well regulated minds, the profound study and ardent admiration of such models produce merely the effects of that liberal imitation, which teaches them to think, speak, and write, as other great men would have thought, spoken, and written, when placed in the same circumstances. We shall therefore find ourselves compelled to attribute our literary poverty to the want of true intellectual courage and enterprise,—to the want of that noble self reliance and consciousness of intellectual power, which has of late only been seen among us; rather than to the possession and full enjoyment of the literary riches, which have been showered upon us from the abundant sources of the parent country.' pp. 10—12.

In regard to the influence of a uniform language of long standing on our literature, and intellectual progress, we have given our views in another part of the present number of our journal. We agree with the author, that a servile imitation of foreign models will never contribute to bring out American mind; we must think and write in our own way, and follow the promptings of a judgment matured in the school of manners and institutions purely American, and of an imagination kindled by the glowing features of nature peculiar to our own country, before we can arrive at a high degree of excellence, or form a literature and intellectual character, which shall distinguish us as a nation from the other enlightened nations. This can never be done by treading in the beaten track of an old language, nor by striving to imitate models constructed under circumstances in so many respects totally different from our own.

Mr Wheaton next considers the disadvantages under which we labor, by reason of our small libraries, and slender endowments of seminaries of learning. These are evils to which we must submit

for a long time; but they will be diminished every year; a taste for reading, for the luxuries of the mind, will create a demand for books and for the means of acquiring experimental science; and in proportion to this demand, and the increase of wealth, by which it may be supplied, libraries, museums, laboratories, and depositories of choice specimens of the arts, will be multiplied and enlarged. In pursuing his subject, Mr Wheaton takes a broad view of the ancient republics, and points out the connexion between the principles on which they were founded, and the rapid growth of the arts and sciences to which they gave encouragement. He traces analogies and causes sometimes farther than we can follow him, but his investigation indicates a wide research into the history of the illustrious periods of antiquity, as well as deep reflection on the nature, the moving springs, the enlightening spirit, and self preserving tendency of our own government.

7.—*Address delivered before the Massachusetts Peace Society, at the Ninth Anniversary, December* 25, 1824. By John Ware, M. D. Boston. 8vo. pp. 24. Office of Christian Register. 1825.

There are few objects, which at first view appear more disproportioned to the means by which it is proposed to attain them, than the professed design of the Society before whom this address was delivered. It would seem the very height of chimerical enthusiasm to attempt, by the efforts of a few philanthropic individuals, to abolish the practice of war, a custom which may be traced back farther, perhaps, than any other in the history of the human race, which in all ages has engrossed so large a portion of the talents of individuals, and of the resources of nations, and which it has required the whole experience of the world, and eighteen centuries of Christianity, to bring to that degree of refinement with which it is now practised. Notwithstanding that often repeated truth, so consoling to the beginners of vast undertakings, that many great results are produced by apparently small causes, we should be inclined to look upon the existence of such a society as offering little encouragement indeed to the hopes of the philanthropist, did we think it were to be regarded as the only source, from which a change in the habits of the world might be expected to arise. It is an excellent thing doubtless, that all the arguments and reasonings, which can be adduced to show that war is no less unnecessary than pernicious, and all the speculations by which the practicability of abolishing it may be made probable, should be brought as often, and under as many forms as possible, before the public. But how few are affected by arguments, and how small a portion of the

public will ever hear them. If it depended upon reason, and truth, and religion merely to decide, war would long since have fallen into disuse; but men's passions and interests are too powerful for such restraints, and till these can be enlisted on the side of peace, we fear that all the efforts of peace societies will be ineffectual.

But it is not to them alone, that the benevolent man may look for encouragement. Dr Ware, with singular discernment and good judgment, has described the character of the age, and the progress of political science and of free institutions, as operating very powerfully in aid of the reasonings of the wise, and the efforts of the good. He points out the essential difference in military ambition and warlike character, between arbitrary governments, and those which are established on liberal principles, between those where the passions of a few or of one individual may plunge nations in calamity, and those where the interests of the whole are the only objects to be consulted by their rulers. He then answers the objections drawn from the military character of the ancient republics, showing that in them the principles of freedom and of political rights were far from being understood, in the manner in which we now understand them. Nothing indeed appears to us more absurd, than the reference which is very frequently made to the character of what are called the republics of antiquity, to indicate what is likely to be that of the republican governments of modern times. One would think that the differences, sufficiently marked certainly, between the different popular governments of Greece, and between them and the Roman system, would have shewn how little reliance could be placed on any apparent analogy in their forms, or their operation. Yet neither these, nor the total want of analogy between the people of antiquity and the nations of our own time, in all imaginable circumstances, in habits, in knowledge, in situation, and whatever goes to form the character of a nation, have prevented the enemies of free institutions from prognosticating evils to those, who have adopted them. These sinister predictions remain as yet in a good degree unfulfilled, and if, as Dr Ware successfully contends, the effect of popular governments be to promote peace and the arts of peace, this will afford an additional reason for valuing, and a new motive for loving the free and happy country, which we are so fortunate as to call our own.

The following extract will exhibit some of the author's views of the subject.

'From these dangers, governments founded upon liberal principles are in a great measure free. The permanent existence of a great military establishment is almost impossible. The people, always impatient under the load of taxation, often unreasonably

so, will never permit themselves to be burdened with an apparatus so costly and so useless. Government needs no array of guards for its protection; it needs no extraneous support to give it dignity and authority in the eyes of its subjects, for it is in itself only a delegation of their power. Military men, as such, have no control, and little influence. They have no weight beyond that derived from their personal character, talents and services. The community in a free country are jealous of a standing army, jealous of military men, and justly so; for if it be ever destined, that by the course of internal revolution, arbitrary power shall set its foot upon their rights and trample their liberty in the dust, these are the instruments by which that purpose will be accomplished.

'Among nations whose governments are founded upon these principles, one class of wars would almost necessarily cease at once to exist, I mean those which have been entered into to settle claims of hereditary right. A slender acquaintance with history will show how long, how frequent, and how bloody have been the contests originating in this source. Questions of legitimate succession have been debated by fire and sword, from the most remote antiquity to which the records of history reach. Nations have been in arms to determine, by this last appeal, between the degrees of consanguinity of rival candidates to a vacant throne. Civil strife has raged for centuries, nay almost through its whole history, in one of the proudest nations of Europe, growing entirely out of the same cause. And in our own days, has not all the christian world been engaged in a contest, which, whatever might have been its objects at some periods of its continuance; and whatever might have been the motives of some of its abettors, originated in the defence of hereditary right, and terminated in the accomplishment of its object?

'The happy influence of such principles of government is well illustrated, in the spectacle presented by our own country, the only one in fact in which they have been fairly put to the test. The independent sovereignties of which it is composed, have, like distinct nations, conflicting claims and conflicting interests; jealousy, rivalry, heart burnings must exist; contentions arise upon points of great importance, where the passions become powerfully excited, and yet all parties are satisfied with an appeal to a judicial tribunal, whose decision is final. Upon far more trifling occasions the Grecian states have waged wars almost interminable. We have but to imagine each of our commonwealths transformed into a little kingdom, with its monarch, its train of hereditary nobles, its navy, its army, and the host of ambitious aspirants that surround a throne, and our hitherto peaceful continent would present only a scene of strife, turbulence, and bloodshed. We should then hear of nothing but the jealousy and rivalry of princes; of leagues and confedera-

tions; of the balance of power, and of wars waged to regulate it. Our rivers would serve, as they have in the old world, as barriers between natural enemies. Our lakes would become the theatre of stormy contention between rival nations. Our seaboard would exhibit the spectacle of hostile fleets engaged in scenes of blood and carnage. The picture drawn of the old world, would be realised in the new.

> Lands intersected by a narrow frith
> Abhor each other; Mountains interposed
> Make enemies of nations, who would else,
> Like kindred drops, have mingled into one.'

8.—*Digest of the Cases decided in the Supreme Judicial Court of the Commonwealth of Massachusetts. From March,* 1816, *to October,* 1823, *inclusive, as contained in the five last Volumes of Tyng's, and the first of Pickering's Reports. With the Names of the Cases, and a Table of the Titles and References. To which is added, a digested Index of the Names of the Cases in the Eighteen Volumes of Massachusetts Reports.* By Theron Metcalf. Boston, Richardson & Lord. 8vo.

All those, who may be interested in knowing the contents of the six latest volumes of the Massachusetts Reports, will be pleased to learn, that their inquiries may be guided by the able and learned editor of Yelverton. A digest of these volumes is not likely, perhaps, very much to increase the already well earned reputation of Mr Metcalf, but we do not hesitate to say, that it will justify and confirm that reputation, and is, accordingly, a publication for which he is entitled to encouragement and thanks from the profession. It is a very easy thing to compile a volume, by copying, verbatim, the indexes of any number of volumes of reports, as Moore, Manning, Baylies, and many others have done, with an economy of labor and thinking on their part, but at the expense of great labor and inconvenience to lawyers, who are obliged to spend a great deal of time in handling volumes and turning leaves, either to find out that nothing is to be found, or in discovering what an author, who, like Comyns, has the skill and learning, and is willing to bestow the labor, requisite to the making of a digest, would present at the first glance to one consulting his work.

Every page of this volume shows that the compiler has critically examined the cases referred to, and, in most instances, at least, has not only stated the points solemnly adjudicated, but also sifted out the *dicta*, *sembles*, and *quæres*; stating the propositions in such a

manner that the reader distinguishes at once what was deliberately decided, from what was alleged, supposed, or doubted of, by any particular judge; and, by seeing the name of the judge, he is apprised, at the same time, of the authority, by which these incidental propositions are supported. One who consults the book is thus saved the vexation and disappointment of discovering, when he recurs to the report, that what appeared by the digest to be a direct and solemn decision in favor of his client's claim, is only a proposition incidentally stated by a judge, without perhaps very deliberate consideration; and a proposition that is very remotely connected with the decision of the court. This limitation and qualification of the propositions contained in a digest, are of some practical importance to the community at large, since the abstracts of cases in the digests and treatises, not unfrequently slide into use, and become substituted for the cases themselves, and judges and lawyers proceed upon the supposition, that certain principles have been established by the decisions of courts, when they rest on no better authority than the errors, mistakes, or carelessness of the compilers of digests, and abridgments, or of the authors of elementary treatises; and since every community is affected by the doctrines established in its courts, and practically applied in the administration of the laws, the consequences of such mistakes, carelessness, and want of skill, are the same, though to a very limited extent, as a defective administration of justice, through an imperfect constitution of judicial tribunals.

The titles of this Digest are very similar to those of Johnson's, in both which, *agreement* is made a leading title, according to the former usage, from which some have departed by substituting *contract*, to which they have probably been induced by the title of Comyn's Treatise. The old title of *deed (fait)* is also preserved, in conformity to Comyns's Digest, and those of older date, instead of *conveyance*, which has of late come into use. A change of laws, usages, and forms of business, necessarily introduces a change of the legal nomenclature, but as long as the customary and long established use of terms is attended by no inconvenience, it is certainly better to adhere to it. Considering the small number of volumes included in this Digest, Mr Metcalf has a very numerous list of titles, and to avoid breaking up and dispersing the subjects too much, he frequently introduces under one title only a reference to another; the book is thus made very convenient for use, whether the reader consults it in the course of investigating a subject generally, or to ascertain what is decided upon any particular point.

In a digest of cases, which, taken altogether, do not supply a full body of law upon any one title, the reader cannot expect to find so perfect an arrangement and connexion of the particular subjects coming under any title, as he would meet with in an ele-

mentary treatise; but this does not excuse the compiler from introducing as much of order and arrangement as his materials admit of. The practice of bringing in the cases belonging to any division of a title in their chronological order, and thus making sudden transitions from one extreme of a subject to another, some six or eight times in the same page, bewilders and confounds one who consults the book. Mr Metcalf has evidently been very careful, in every part of this volume, to arrange the materials coming under each division of a title, in the most easy and natural method, and the different cases are thus made to illustrate and reflect light upon each other, and one may read the abstracts under any title, in their order, without that confusion and perplexity, in which he is too often involved before he has read one half of a page, in some other digests and indexes. We do not mean to say, that this Digest can be read in order like a regular treatise, or even so easily as Comyns's Digest, for that being more full, gives the opportunity of treating subjects in a more intimate connexion, and a more regular sequence, but as far as his materials have given him the opportunity, he has thrown them into a clear method, and in some instances, as under the titles of *Bail*, and *Judgment*, has preserved such a connexion and continuity of the subjects, that the titles may be read in course with as much facility and clearness as a regular treatise.

It is not unworthy of remark, that Mr Metcalf has been careful to use a correct legal phraseology, and has scrupulously avoided the loose, commonplace, and inaccurate phrases so frequently to be met with in our law books, such for instance as *what will justify a deviation*, which is better Irish than English, or is at least a sort of riddle, being equivalent to saying, *what will justify that which is not justifiable.*

Besides the abstracts of the cases in the five last volumes of Tyng's, and the first of Pickering's Reports, this volume contains the rules of practice of the Supreme Court, and the Court of Common Pleas, a list of the cases in all the eighteen volumes of the Massachusetts Reports, with a general notice of the subject of each case, after the manner of the Repertorium Juridicum, and that of Moore's, Burn's, and Johnson's list of cases Mr Metcalf has also cited a few manuscript cases, decided for the most part, if we recollect rightly, in the county of Norfolk. He has also in a few instances cited cases from the reports in other states, and from the English reports, sometimes in confirmation of the digested cases, and sometimes in opposition to them. The few notes he has made, particularly that under the title *Mortgages*, add not a little to the value of the work, which, taken altogether, is accurately, skilfully, and industriously wrought; and,—which is expressing ourselves pretty strongly in its favor,—will not disappoint the expectations raised in the profession by any publication of the compiler.

NOTE.

Since the article in our last number, on the history and resources of Baltimore, was published, we have been favored with a more full and accurate account of the water power in the neighborhood of that city, together with a corrected and very ingenious table exhibiting the capacity of this power to move machinery. The facts here communicated are curious and valuable, and we are glad to have an opportunity of laying them before our readers. It appears by the table, that the streams of water within *twenty miles* around Baltimore are adequate to keep in motion *one million six hundred and thirteen thousand* cotton spindles. Only a comparatively small portion of this immense power is as yet occupied, by the numerous flour mills, factories, and other manufacturing establishments, already in operation.

The annexed table needs no other explanation, than may be found in the statements, which follow. The two parts of the table express separately the portion embraced within ten miles of the city, and that beyond ten miles, but within twenty miles. In estimating the power of the streams for the average of the year, the surplus of the six wettest months has been excluded.

The numbers refer to the same numbers in the Table.

No. 1. *Patapsco Falls.*

First, within ten miles. This stream has 193 feet fall, or elevation above the tide at the head dam of Ellicott's old upper mill. The power used at Ellicott's mills generally is a fall of twelve feet, which has been assumed as a standard to which all the calculations of the capacity of the streams at each mill seat have been adapted, in the following statements. With this fall the Patapsco is competent, at the lowest stage of water ever known, to drive *four* pair of seven feet burr millstones. This state of water exists during but a very short period; for the greater part of the year, the stream possesses a power of twelve pair, and during the wet season a power of upwards of twenty pair of seven feet stones; it is, therefore, fair to assume for a mean estimate of the capacity of the stream, that works contemplated to be in operation the whole year may, with a judicious application of the water, be estimated to have a power, throughout the year, of *eight* pair of seven feet millstones, which are equal to *eleven* pair of six feet, which diameter has been assumed as a standard of comparison for expressing the power either in horse power, or in the number of spindles of cotton works,

with the usual appendant machinery. The 193 feet, divided by twelve, give 16 mill seats, each driving 11 pair of six feet millstones, making in all 176 pair, each pair equal to 2000, making 352,000 spindles, or 1760 horse powers. The same course of reasoning and calculation having been applied throughout, it will not be necessary to repeat it for each stream separately.

Secondly, beyond ten and within twenty miles. Five miles from Ellicott's upper mill, at the junction of the north and west branches, the elevation of this stream, by the levellings for the Potomac canal, is 269 feet above the tide; deducting from this the 193 feet below Ellicott's upper mill, the fall of these five miles is ascertained to be 76 feet, and the slope of the country warrants us to assume the same fall for the remaining five miles, which gives the whole fall 152 feet within the limits assigned in our calculations. We here assume that the stream possesses only half the power, which it has in the inner circumference, although both the branches are only considered as one. Therefore, 152 feet fall yield $12\frac{2}{3}$ mill seats, each driving $5\frac{1}{2}$ pair of mill stones; equal to $69\frac{2}{3}$ pair; equal to 139,000 spindles, or 697 horse powers.

No. 2. Great Gunpowder Falls.

At the distance of twentyone miles, on the York turnpike road, the elevation of this stream has been ascertained by the levellings for the Susquehanna canal to be $326\frac{3}{4}$ feet. The junction of the two branches is about a mile below this point, and exactly on the line of our circumference of twenty miles. An elevation of 300 feet may therefore be safely assumed for this point. A small portion only of this stream approaches within ten miles, including General Ridgely's works at Hampton; all the rest flows within the outer circumference. The power of the stream in its whole extent is equal to that of the Patapsco below Ellicott's mills, and the calculations have been made accordingly.

No. 3. Little Gunpowder Falls.

The whole of this stream lies between the inner and outer circumference; its fall has not been ascertained by any measurement, but it is believed that it may be safely compared to Jones' Falls in every respect, by allowing it a total fall of 250 feet, with a capacity of two pair of six feet millstones for every twelve feet fall.

No. 4. Jones' Falls.

Is entirely within the circumference of ten miles, its total fall is ascertained to be 259 feet, and its capacity two pair of six feet millstones for every twelve feet fall.

No. 4. Gwinn's Falls.

Within ten miles, has a fall of 372 feet, with a capacity of two pair of six feet millstones for every twelve feet fall.

Beyond ten miles, it contains William Owing's three mills, each with a fall of 20 feet, and competent with that fall for one pair of six feet millstones, the year round, making $\frac{3}{5}$ pair for our standard of twelve feet fall.

No. 6. Herring Run

Has a fall of 150 feet within five miles of the city, but the entire capacity of the whole stream does not exceed five pair of six feet millstones the whole year round, making for our standard of twelve feet fall, $\frac{2}{5}$ pair.

No. 7. Union Run

Is a branch of Jones' falls, and lies entirely within five miles of Baltimore; its whole fall is 106 feet, and its entire capacity two pair of six feet millstones, making $\frac{1}{5}$th pair for our standard.

No. 8. Winters' Run

Lies near the outer boundary of the greater circumference, it has a fall of 150 feet, with a capacity of two pair of six feet millstones for every twelve feet fall.

Nos. 9, 10. Patuxent River.

Although this river discharges itself into the Chesapeake Bay at a very great distance from Baltimore, yet the most important part comes considerably within the outer circumference assumed for our limits. The junction of the two branches is just 20 miles from Baltimore; from this point, the north branch on which the Savage cotton factory is situated, lies entirely within our limits. The head race of this factory, according to the levellings for the Potomac canal, is 181 feet above the tide. Deducting 30 feet for the fall of the river below the junction, and adding 100 feet for the millseats known to exist above the Savage factory, we have a total fall of 250 feet for this branch, to which may be justly assigned, a power of $2\frac{1}{2}$ pair of millstones for every twelve feet fall.

The western or main branch of the Patuxent, flows within our limits, for a course of fifteen miles. From the same data as above, we may assign to this course a fall of 160 feet, with a power of four pair of six feet millstones for every twelve feet fall.

Corrected Summary Statement of the Water Power to drive Machinery, within the Circumference of a Circle of Twenty Miles Radius around the City of Baltimore. By Lewis Brantz, Esq.

Nos. of Reference.	Names of the Streams.	Within 10 miles of Baltimore.					Beyond 10 & within 20 miles of Balt.					Total power of the streams within twenty miles expressed in spindles.
		Total amount of fall in feet.	Capacity of the stream, with a fall of twelve feet, to drive a given number of pair 6 feet millstones, during the whole year.	Aggregate capacity of the stream, expressed in			Total amount of fall in feet.	Capacity of the stream with a Fall of twelve feet to drive a given number of pair 6 feet millstones, during the whole year.	Aggregate capacity of the stream expressed in			
				Pair of 6 feet millstones.	Cotton spindles including the appendant machinery.	Horse Power.			Pair of 6 feet millstones.	Cotton spindles, including the appendant machinery.	Horse Power.	
1	Patapsco Falls, . .	193	11 pair	176	352,000	1,760	152	5 1-2 pr	69 2-3	139,000	697	491,000
2	Great Gunpowder Falls,	36	11 "	33	66,000	330	264	11 "	242	484.000	2,420	550,000
3	Little Gunpowder Falls,						250	2 "	42	82,000	420	82,000
4	Jones' Falls, . . .	259	2 "	43	86,000	430						86,000
5	Gwinn's Falls, . .	372	2 "	62	124,000	620	60	3-5 "	3	6,000	30	130,000
6	Herring Run, . . .	150	0 2-5 "	5	10,000	50						10,000
7	Union Run, . . .	106	0 1-5 "	2	4,000	20						4,000
8	Winter's Run, . . .						150	2 "	25	50,000	250	50,000
9	Patuxent, West Branch,						160	4 "	52	104,000	520	104,000
10	Patuxent, North Branch,						250	2 1-2 "	53	106,000	530	106,000
	Totals.			323	642,000					971,000		1,613,000

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The Massachusetts Agricultural Repository and Journal. Vol. VIII. No. 3. January, 1825.

Nature and Reason Harmonised in the Practice of Husbandry. By the late John Lorain. Philadelphia. Carey and Lea.

Address delivered before the Philadelphia Society for promoting Agriculture, at its Annual Meeting on the 18th of January, 1825. By Robert Vaux. 8vo. pp. 28. Philadelphia.

The author first draws a short sketch of the history and progress of agriculture from the earliest times; but the chief part of his discourse is devoted to the agriculture of Pennsylvania. He describes the early modes of cultivation in that state, and follows step by step the improvements, which have been gradually taking place. In conclusion he makes some excellent remarks on the importance of moral, literary, and scientific instruction in an agricultural country, as promoting both the science of husbandry, and the happiness of the people.

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Biography of the Signers of the Declaration of Independence. Vol. V.

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A Sketch of the Botany of South Carolina and Georgia. Vol. II. No. 6. By Stephen Elliott.

COMMERCE.

Reply of the Committee of Merchants of Philadelphia, to the Memorial of the Auctioneers, lately presented to Congress. 8vo. pp. 15.

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MEDICINE.

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The Philadelphia Journal of the Medical and Physical Sciences. Nos. 17 and 18. Edited by N. Chapman, M. D. Carey and Lea.

The Journal of Foreign Medical Science and Literature. No. 17. Philadelphia. E. Littell.

New England Journal of Medicine and Surgery. No. 1. Vol. IX. For January 1825.

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Report of a Committee of the Overseers of Harvard College, on the Memorial of the Resident Instructers, Jan. 6, 1825. 8vo. pp. 23. Boston.

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An Appeal to the Good Sense of the Legislature and the Community, in Favor of a New Bridge to South Boston. By a Citizen. 8vo. pp. 22. Boston.

Considerations suggested by the Establishment of a Second College in Connecticut. Hartford. 8vo. pp. 36.

This pamphlet is ably written. On the merits of the argument we shall not pretend to decide. We are inclined to think, however, that the ground taken is too broad. There can be no doubt, that a few large and well endowed Colleges would do more for the cause of science and letters in general, than a multitude of smaller institutions, but it is quite certain that no rule can be established under our forms of government. Every state has a *right* to make

as many colleges as it pleases, and the spirit of rivalry, if nothing else, will always prompt to a free exercise of this right. And when you look at the principles of the case, there seems no reason why one part of a state, or any particular class of people in a state, should have the exclusive privilege of a college; nor why any association of persons may not found and support a college, if they can raise funds for the purpose, and are disposed to appropriate them in this way. This, perhaps, may be deemed an evil, but it seems to us a necessary consequence of our free political institutions. It is also productive of one benefit, which is not of slight importance, and that is, the greater amount of means, which will be thus appropriated for education by states and individuals, in proportion as a greater number of persons, and a greater variety of interests are concerned.

The following facts contained in this pamphlet, are curious and worthy of attention.

'The only just ground of estimating the future resort of students to this State, (Connecticut,) is an inquiry into the means of education in those parts of our country, from which they have hitherto proceeded. From Massachusetts, for a considerable period of time past, as appears by the College catalogues, between fifty and sixty students have come annually to this State for instruction, chiefly from those towns which lie in the valley of the Connecticut. In the centre of that population, a Collegiate Institution has recently sprung up, which, amidst great embarrassments and without authority to confer degrees, has collected more than one hundred and thirty students. Its endowments are stated to exceed one hundred thousand dollars; and its patronage and wealth to be continually increasing. When clothed with the full powers of a College, by a charter from the State, which must soon be granted, that institution is expected by its friends, and on this ground has its cause been repeatedly argued before the Legislature, to withhold from Connecticut very many of those youth, who would otherwise seek instruction here.

'From the State of New York, for many years past, between forty and fifty students have received their education in Connecticut. In that State, however, the most honorable exertions are making to provide the means of education at home. "Funds to the amount of $750,000 have been granted to the three Colleges, which are steadily increasing in the number of their students. Two new Colleges have recently been incorporated, one under the auspices of the Methodists, and another under those of the Episcopalians; and the immense resources and enterprise of that State will secure, to those institutions, the most ample support. It can hardly be expected, therefore, that Connecticut will long be called upon to educate, at least to any great extent, the youth of New York.

'From the State of South Carolina, fifteen or twenty students have, for a long period resorted to this State for instruction. In that State, likewise, the most liberal provision is now made for the instruction of their youth at home. Two hundred thousand dollars have already been expended on buildings and other accommodations for their University; and twelve thousand dollars are annually paid from the public treasury, for the support of the instructers. An attempt is also making, under the Bishop of that diocess, to revive a College, which has, for many years, been nearly extinct, in order to provide more fully, for the instruction of youth within the State.

'In North Carolina, which formerly sent a considerable number of students to be educated in Connecticut, the University has gained so high and deserved a reputation, that her youth are retained almost entirely at home. The endowments of that institution are said to exceed $400,000; and the rigid discipline, which is there maintained, demonstrates what has been doubted by many, that Colleges can be effectually governed in the southern States. In Georgia, the University has been revived within a short period, and the number of students is already one hundred and twenty. Very few youth, from that State, now resort to Connecticut for an education. In Alabama, funds to the amount of nearly half a million of dollars are appropriated to the support

of Colleges; and measures are now in a train of operation to establish a respectable institution there. In Virginia, from which students, in considerable numbers, once sought instruction here, the buildings of the Central University are at length completed, at an expense of nearly three hundred thousand dollars. Fifteen thousand dollars a year are placed at the disposal of the Board of Trustees. An agent is already despatched to Europe, for the purpose of selecting distinguished men as Professors, and the University is expected to commence its operations early in the year 1825. The College of Hampden and Sidney, likewise, has recently been revived under favorable auspices; while another institution, named Washington College, has attained a respectable rank. From the address of the late Gov. Barbour to the inhabitants of Virginia, it appears that the education of their youth at home, is awakening the liveliest exertions in that State; and is connected with strong feelings of local interest, and relative importance in the community of States. In the District of Columbia, a new College has recently gone into operation, with considerable prospect of success. Its students already amount to one hundred and twenty.

'In Pennsylvania, Dickinson College, once a distinguished seminary, after being extinct for a period, has been completely reorganised within two years past; and is now a prosperous institution. In the western States, Transylvania University numbers, in its various departments, thirteen Professors, and three hundred and sixty nine students. In Tennessee, besides the flourishing institution at Greenville, and another at Knoxville, a College is to be immediately organised at Nashville, under the direction of a gentleman already well known to the public, as an active and successful officer of Princeton College.' pp. 6—8.

Remarks on Washington College, and on the 'Considerations' suggested by its Establishment. Hartford. 8vo. pp. 52.

MORAL PHILOSOPHY.

Elements of Moral Philosophy, comprising the Theory of Morals and Practical Ethics. By John L. Parkhurst. 12mo. pp. 257. Concord, N. H. J. B. Moore, and J. W. Shepard.

The author says, that 'in writing this volume he has availed himself of the labors of others, as far as they have been to his purpose,' and adds, that 'in the theory of Morals he is chiefly indebted to Brown; in Practical Ethics, to Paley.' The first part of the book treats of the foundation of moral distinctions, and the nature and degree of virtue; and the second is devoted to the practical rules of duty, sources of happiness, and the chief principles of social action.

The author adopts and defends Paley's theory of utility, and will not allow that it has in itself any tendency to be abused to bad purposes. Evil disposed men may abuse any rule, and this among others, but the fault is with themselves, and not with the rule. Madam de Stäel's assertion, that 'this utility is seldom anything more than a specious pretext, under which men disguise their selfish designs,' has no weight, the author thinks, as a general maxim. No one believes that to be on the whole useful, which he does not at the same time believe to be good, and if he talks of utility when he is committing any other than a virtuous act, he braves conscience in his deed. To plead for the *utility* of wicked acts is a contradiction in terms; and if a man seriously offers such a plea, all you can say is, that his moral vision is darkened, and his conscience hardened. But it may admit of a question, after all, whether this doctrine of utility, as a perfect rule of virtue, does not suppose more disinterestedness, if not more wisdom, than falls to the common lot of mankind.

Mr Parkhurst's compend seems to be compiled with judgment, and to embrace as many particulars of the science, which it treats, as are requisite in an elementary treatise. We do not approve this mode of abridging, and should have valued the author's labors more highly, if he had wrought the subject anew, and expressed his thoughts in his own language. It is too

common with abridgments, that they break up and mangle the sense of the original author, while they present little to compensate this defect in the half developed conceptions of the compiler.

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ERRATA.

Page 80, line 8 from bottom, for 'west,' read 'east.'—In the table, page 119, is an error, which should be corrected as follows. 'Pot and pearl ashes, tons 16; Hops, lb. 8700; Coaches, dolls. 1375; Various produce, do. 40302.'—Page 136, line 10 from bottom, for 'less,' read 'more.'

Page 460, line 13 from bottom, after "reports" insert "and a digested index of the cases in the last six volumes,"

END OF VOLUME XX.

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